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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON TUESDAY, JUNE 13, 1989

VOLUME 58

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C O U N S E L:

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	Track and Field Association
J. DePENCIER	on behalf of the Government
	of Canada
T. BARBER	on behalf of the Sport
	Medicine Council of Canada
D. MANN	on behalf of the Canadian
	Olympic Association
R. McMURTRY, Q.C.	on behalf of Charles
A. PRATT	Francis
E. FUTERMAN	on behalf of Ben Johnson
L. LIPKUS	
D. SOOKRAM	on behalf of Dr. M. G.
L. LEVINE	Astaphan
MS. G. PINHEIRO	on behalf of A. Issajenko

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--- Upon resuming.

THE COMMISSIONER: All right, Mr. Armstrong.

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BENJAMIN JOHNSON: Recalled

MR. ARMSTRONG:

Q. Yes, thank you, Mr. Commissioner. Mr. Johnson, I wanted to cover a couple of things in 1986 before I move onto 1987, and that is, first of all, in the spring of 1986, Mr. Francis has testified that during the training period in the spring leading up to the outdoor season, that you received injections of the milky-white stuff, the so-called Estragol, and also he testified that there was about a seven-day period when you took some Winstrol tablets, the pink pills. Do you recall that?

15

A. Yes, sir.

20

Q. Then moving along to November 1986, and I apologize, I think I did ask you this yesterday, but there was just one other aspect of it just to refresh your memory again.

25

According to Charlie Francis, there was in the fall of 1986 along with the injections of the milky-white stuff about a ten-day period where you took

two tablets a day of Winstrol, again the pink pills. Do you remember that in the fall of '86?

A. Yes, sir.

Q. And it was again in the course of Mr. Francis' evidence that he mentioned that you weren't able to go for a full two-week schedule of the Winstrol tablets. You only went for perhaps about ten days and sometimes he said you would go for a shorter period of time because you got stiff from the Winstrol. Now I asked you about that --

THE COMMISSIONER: That's the tablets, is it?

MR. ARMSTRONG:

Q. Yes, from the Winstrol tablets. I asked you about that yesterday and I ask you again, if you remember, for example in November '86 or at any time, from the Winstrol tablets ever getting stiff?

A. Yes, but it could be from training, it could be the weights and it could be the pills.

Q. All right. You never paid any particular attention then. Is that what you are saying as to whether you were getting stiff either from the pills or training or lifting weights?

A. Yes, sir.

5

Q. All right. Then I'm just going to show you a bottle of some pills that we placed in evidence here when Dr. Astaphan was a witness. It's Exhibit 183, and these are a number of pills in a vial and they are kind of a mauve colour, and they are either L-dopa or Larodopa pills, according to the vial in which they come.

10

Dr. Astaphan has testified that when you were in St. Kitts, perhaps in 1986 or 1987, he wasn't too sure, that you had these pills with you in this vial and he took them from you. What do you say about that?

15

A. I never saw these pills before. This is the first time I saw these.

20

Q. All right. So you never saw those pills before and you say then that Dr. Astaphan never took them from you?

A. No.

25

Q. Then, Mr. Johnson, according to your competitive record that you and I reviewed yesterday morning at the start of your evidence, in January 15th, 1987, you ran in a meet in Osaka, Japan, and you broke the world record setting a new world record for the 60 metres of 6.44 seconds; is that correct?

A. Yes, sir.

25

Q. And after you broke the record, did you phone Charlie Francis?

A. Yes, I did.

Q. Now you were obviously over in Japan.

Were you there alone or was anybody else with you?

A. I was there with some two officials,

5 Mr. Unger from Tokyo and some of the Japanese people was there.

Q. But in any event, Charlie Francis was back in Toronto, I take it?

A. Yes.

10 Q. And why did you telephone him?

A. Well, he said, you know, whenever I finish a race, I must call him up and tell him what happened in the race because he always want to know what happened, and I called because I was very happy because I can't remember if that was the first time I set the world record for the 60 metres. And I was very pleased so I called him and told him that I broke the record and that was all the conversation. He asked me that if they're going to be testing at the meet and I said yes.

15 Q. He asked you if you were going to be tested at the meet?

A. Yes.

20 Q. All right. Now Charlie Francis, when he testified, said that you called him and told him that you had broken the world record but that you had a problem

because they wanted to test you at the meet and you asked him if you had enough clearance time since your last drug injection. Did you have that conversation with Mr. Francis?

5

A. No, sir.

10

Q. Now when you and I and Miss Chown and your lawyers, Mr. Lipkus and Mr. Futerman, spoke last week, one of the things you told us was that there are really three times in the track year or track season when you and others would be involved in a steroid or drug program.

15

I just want to take a moment to review those with you. I think we really have already in a way, but I think you told us that first, the first session would be during the fall training period leading up to the indoor season; is that correct?

A. Yes.

20

Q. And the second time that you would be on a steroid or drug program typically would be during the March break, as you called it, in preparation for the early outdoor season in May or June; is that correct?

A. Yes.

25

Q. And then finally thirdly, typically again in the month of June, there might be or would be a period in which you took steroids or drugs in preparation

for the outdoor season in Europe -- well, first of all the nationals and then in Europe in August-September; is that correct?

A. Yes, sir.

5

Q. And that third program of steroids or drugs, that often would fall in the June period after you got back from the first phase of the outdoor season in Europe?

A. Yes, sir.

10

Q. Now again I don't plan with you to go through every single drug injection that you ever got, but I want to cover it in general terms.

15

In the spring of 1987, the evidence from Mr. Francis is that you would have received injections of the white stuff or the so-called Estragol in Mr. Francis' apartment and he would have given you the injections; is that correct?

A. Yes, sir.

20

Q. '87 was the year in which Dr. Astaphan had already left?

A. Yes.

25

Q. All right. Now also in that spring period of 1987, Charlie Francis has testified that he believes you also took Winstrol tablets, that is the pink tablets, in the spring of '87, again for about a ten-day

period. Is that so?

5

A. Well, at the track site he came up to me and he give me some bottle of pills that I must take one pill a day for ten days, and I take it home and put it on the shelf and I just take them.

10

Q. All right. And were those the pink Winstrol pills?

A. Yes.

Q. And I showed you the vial or the bottle of the pink Winstrol pills yesterday. Was it a vial or a bottle just like that?

A. Yes.

Q. All right. And did it -- could I just have a moment. Could I have 152, please.

15

And as you remember it, Mr. Johnson, did it have a label on it that said Winstrol?

A. Yes, sir.

Q. And did the label look something like that?

20

A. Yes.

Q. And you had enough tablets in there, did you, for one a day for a ten-day period; is that it?

A. Yes, sir.

Q. And you took them?

25

A. Yes.

5

Q. Then also as it would appear, just as you have described a typical year, perhaps, to us, in June and July then of 1987 at the end of June or early July, Charlie Francis has said that there was a two-week period in which you received some shots of the so-called Estragol or milky-white stuff, and is that how you remember it back in late June, early July '87 before the world championships?

10

A. Yes.

15

Q. Now in 1987, you competed at the nationals in Ottawa on August 1st and 2nd running in the 100 metres on August 1st, winning in a time of 9.98 and in the 200 metres on August 2nd, winning in a time of 20.93. And then after the August 1st weekend of the national championship, you then went off to Europe for the usual European tour to various European cities such as Zurich and so on; is that correct?

20

A. That's right.

Q. I had better check that and make sure that I have got it right. Yes, Zurich, Koln, also Koblenz in Germany?

25

A. Yes.

Q. All right. And the meets in Europe appear to have been on the 13th, 16th and the 19th of August. Let me ask you this. Did you take any steroids

or any drugs in August of 1987 prior to any of those meets, and in particular prior to the world championships in Rome in 1987?

5 A. If you are talking, like, in between meets and stuff like that?

THE COMMISSIONER: He just said -- he did say that he was on the steroid program prior to leaving for Europe.

MR. ARMSTRONG: In June and July.

10 THE COMMISSIONER: That's right.

MR. ARMSTRONG:

15 Q. In June and July, but my question perhaps could be framed more clearly by just asking you this. After the steroids that you took in that two-week period in June-July '87, did you take any more drugs or steroids after that time and before the world championships in Rome in 1987?

A. No, sir.

20 Q. And we know the world championships in Rome, as we said yesterday, were August the 30th, 1987.

A. Yes, sir.

25 Q. All right. Now Dr. Astaphan has testified that you told him that you took some of the Estragol or the milky-white stuff either 14 or 17 days

before you ran in Rome. And is that right?

A. I can't remember.

5

Q. Well, if you didn't -- let me put it this way, Mr. Johnson. If you didn't take any steroids after the end of June early July, you certainly didn't take any steroids 14 or 17 days before the track meet, the world championships in Rome in '87?

A. No, sir, no.

10

Q. And when you were in Rome in 1987, Dr. Astaphan has testified that he was there with you at that meet?

A. Yes.

Q. And did he give you any shots of vitamin B12 or inosine when you were there?

15

A. Yes, sir.

Q. And that again would be what, the dark brownish-reddish liquid?

A. Yes.

20

Q. All right. Now I want to refer you to some evidence also of Dr. Astaphan. He has testified that in August or September of 1987, that he told you that one day you were going to get caught in a positive test because you were buying a lot of stuff off the shelves in Europe. And he said your response to that was well, Charlie Francis and you will take the rap from me if that

25

happens or words like that.

Do you ever remember having any conversation in August or September of 1987 with Dr. Astaphan like that?

5

A. No. Normally, you know, when I am trying to get ready for a race, I would normally never leave my room. I would normally keep the same type of routine, always did over the past ten years, and plus, I don't speak Italian or German so I wouldn't know what to buy off the shelf.

10

Q. So you wouldn't buy drugs off the shelf?

A. No.

15

Q. All right. Then let me take you along to the fall of 1987, and again, according to Mr. Francis, there was for you in the fall of 1987 in the training period leading into the 1988 season about a three-week cycle of Estragol or so-called Estragol injections or milky-white stuff injections that he gave to you at his apartment, and do you agree that happened?

20

25

A. Yes.

5

Q. Now, in the fall of 1987, Desai Williams, Mark McKoy, and Molly Killingbeck apparently came back and joined Charlie Francis' group; is that correct? Do you remember that?

10

A. Yes, sir.

Q. And then there was also an athlete by the name of Tracy Smith who joined the group. Do you remember that?

15

A. Yes, sir.

Q. She's a what, a long jumper or a high

jumper?

A. Long jumper.

Q. Long jumper. Were you aware that when Desai Williams, Mark McKoy, Molly Killingbeck, and Tracy Smith joined the group some of them -- they all rejoined the group and Tracy Smith joined it for the first time -- that they went on a steroid program?

20

A. I assume so, yes.

Q. You assume so?

A. Yes.

25

Q. Mr. Francis again when he was here testified that in the fall of '87, probably he said late October or early November, when you were at his apartment that you said you were concerned about these people that

were now part of the steroid group and that you were concerned that the people with knowledge of drugs was getting too large.

5 Do you ever remember anything, any discussion like that with Mr. Francis?

A. No, sir.

Q. Did you complain to Mr. Francis at all about the fact that the group was getting bigger?

10 A. Well, yes, I said something like that
 to him. I said to him, like he is the only coach there,
 like I always said, you know, he is involved with Angie.
 He spent a lot of time with Angie, myself, Cheryl
 Thibedeau, France Gareau, you know, myself, and Desai, and
 Mark, and Tracy Smith and Molly Killingbeck was getting
 much bigger and was too much people for him to coach at
 the same time.

What Desai said early years about I was on drugs and was talking bad about Charlie at the time, I was kind of upset because Charlie's been an honest person and, you know, I feel bad at the time that people saying bad things to him. So, I didn't like it.

So, I told him like these people are saying bad things to him then and then when they need to get help now. That's all I was trying to say. I wasn't trying to say about drugs at all.

Q. I am sorry, I wasn't quite following you. You say some people were saying bad things about Charlie Francis?

5 THE COMMISSIONER: Had said bad things in the past. They have said bad things in the past, is that what you are saying?

THE WITNESS: Yes, sir.

10 THE COMMISSIONER: I think he said they are coming back looking for help now, I think is what he said. You can go through it.

MR. ARMSTRONG:

15 Q. I see. They had said bad things about Charlie Francis in the past and now these same people were coming back and asking to be coached by him?

A. Yes.

20 Q. I take it what you are suggesting is you kind of resented that because you had stuck with Charlie Francis and now you weren't going to get as much of his time as you thought you needed leading up to this big year for you; is that it?

A. Yes, sir.

25 Q. Now, I should tell you also that when Tony Sharpe was here as a witness he also says that you mentioned something along the lines that you were

concerned about the group getting too big as it related to drugs?

5

A. I wasn't concerned. If people wants to come in the group to take roids or, you know, drugs, it doesn't matter to me. You know, I don't really not part of it, you know, I don't come to the group. I am just there as an athlete who coached under Charlie Francis, and, you know, not my concern.

10

THE COMMISSIONER: You didn't want the secret to get out, though, did you? You didn't want everybody to know?

15

THE WITNESS: I don't know.

THE COMMISSIONER: Pardon?

THE WITNESS: I don't want to say.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

20

Q. Well, it was a secret. It wasn't something that you told people outside of the group about, is it?

A. No.

Q. And I mean Charlie Francis had always told you, did he not, that this --

A. Well --

25

Q. -- the fact you were taking drugs

should be kept quiet?

A. Yes, he told me that I musn't mention it to nobody, outsiders.

Q. And you understood the reason for that?

5

A. Yes.

Q. That it was because you were breaking the rules and you didn't want other people to know that you were breaking the rules because you could get caught, right?

10

A. Yes, sir.

Q. And when the group was enlarged in October or November of 1987, it is quite possible, I suggest to you, that you and others might well have expressed some concern, "Well, if this group is getting so big, people may find out what we were doing and it's not a good thing." Is that possible?

15

A. Probably, yes.

20

Q. Then in October of 1987 you apparently had some problem with your left chest, left side of your chest, your pectoral muscle, your breast area. Do you remember that?

A. Yes, sir.

Q. Can you just tell the Commissioner about that, please, just what you remember.

25

A. One morning I wake up my breast was

5

hurting me, and I didn't pay any attention until the next day. It was getting very big and swelling and starting hurting. And I told my Mom that my chest is hurting me and she take a look at it and she has some type of medicine what she used, healing oil to rub on it to get the pain down. And says to me that if it doesn't -- if the pain doesn't go away I must go to my family doctor and tell him about it.

10

And I went there the next day and he saw me and he asked me if I am on steroids. And I said no, because at that time I didn't know what the side effects were.

15

Q. You didn't know that one of the possible side effects then of steroids was --

A. Was caused from that.

Q. -- swollen or sore breast?

THE COMMISSIONER: Didn't he tell you that, though? Didn't he tell you that? That's why he asked you whether you were on steroids?

20

THE WITNESS: Yes, he asked me that.

THE COMMISSIONER: Didn't he say that would be a possible side effect of steroids --

THE WITNESS: Yes.

25

THE COMMISSIONER: -- the condition you had?

THE WITNESS: Yes, he did say that, yes.

THE COMMISSIONER: And you said you weren't on steroids?

THE WITNESS: Yes.

5

MR. ARMSTRONG:

Q. Again I guess you didn't want to tell him you were on steroids at that time because it was again a secret among the group who was, is that it?

10 A. Yes, but also I didn't know what the side effects were. I mean if I didn't know what the side effects were when I got the thing on my left breast, I would go back to Charlie and Jamie and tell them I have a problem.

15 Q. Well, I think what you are saying is if you had understood that it was a side effect of taking steroids, you would have gone back to Dr. Astaphan and told him look I got this problem from steroids?

A. Yes.

20 Q. Well, Dr. Sussman, of course, had just told you that one of the side effects of steroids was this kind of swollen or sore breast, so why wouldn't you have gone and told Dr. Astaphan then?

A. It didn't come to my mind.

25 Q. It didn't cross your mind then?

A. No.

5

Q. Now, Mr. Johnson, I am just going to move on now to 1988, and as I believe you know, Dr. Astaphan when he testified identified a tape recording of a telephone call he says he had with you just before the Toronto Sun Indoor Games at Maple Leaf Gardens in January 1988. And I understand that Mr. Futerma has reviewed that telephone call with you by reviewing the --

10

A. What date was that?

Q. -- transcript. It was, on the evidence here, the Wednesday before the Maple Leaf Gardens meet, the Toronto Sun meet in January 1988?

15

A. Yes.

Q. And Dr. Astaphan testified that he had a telephone call with you and he did a tape of that telephone call, right?

20

A. Yes.

Q. And Mr. Futerma has told us that he has reviewed a written record or transcript of that telephone call. And I understand that you agree that that telephone call did take place, that you said the things that the tape indicates you said?

25

A. Yes.

Q. Now, I wanted to go to the European indoor season in 1988. I know that at one point you were

injured in West Germany, and I am going to come back to that, but I want to ask you about something that happened in Genoa in Italy in February 1988 and this relates to some evidence that Angella Issajenko gave. And I will just tell you what it was to see if I can refresh your memory.

She has testified that when the group was in Genoa in Italy that she had a conversation on the telephone with Molly Killingbeck. And Molly Killingbeck apparently told her that somebody, probably Cheryl Thibedeau, was going to go into Charlie Francis' apartment with a key that she had and take some of the drugs out of his apartment for her boyfriend.

That's the first thing she said.

Then the second thing she said was that when she got that information, she talked to you, Mark McKoy, and Desai Williams about this information and that the four of you were sitting around a hotel room in Genoa and concern was expressed that other people again were knowing about the drugs in Charlie's apartment, and that a decision was made to move the drugs out of Charlie Francis' apartment.

I have given you a lot of information there,
but do you remember --

A. Well --

5 Q. -- being in a hotel room or some room
in Genoa back in February 1988 with Mark McKoy and Desai
and Angella and talking about moving the drugs out of
Charlie's apartment because of the fact that more people
might be finding out about them?

10 A. Well, I was the only one -- I was the
one who wasn't talking about the drugs, you know, like
supposed to move. She was the one who was saying that
Cheryl Thibedeau had the key for Charlie Francis' door and
go in there and take drugs out for her boyfriend.

I mean, you know, if she said so, that's the
way it is. I mean I didn't say to myself that the drugs
should be moved from Charlie's apartment to her apartment.

15 Q. All right. And I am just not clear now
whether you remember the -- were you at such a meeting in
the hotel room, and did you remember that discussion
taking place?

20 A. Well, we wasn't have a meeting there.
We normally would, many times we would be in Europe off
the track meets or before the track meets we get bored,
there is no where to go, we normally hang around each
other, and make jokes each others or talk about where we
go for next trips or various things like that. Maybe the
conversation comes up, may be.

25 Q. I am sorry, I shouldn't have called it

a meeting. And, in fact, Angella Issajenko I think said that exactly what you have said that that is you would sit around in the evening when you didn't have much to do and she said in particular she used to hang out with the guys with them.

5

And I think it was Mark McKoy and Desai's room and you were there. So, it would be just like that.

10

A. Yes.

Q. And do you remember there being concern expressed at the meeting that again more people would be finding out that the group was on steroids?

A. I wasn't really concerned about it, no.

15

Q. You weren't?

A. No.

Q. Was Angella?

A. I think so, because she's the one who brought it up.

20

Q. All right. I want to go to this track meet in Furth, West Germany. You apparently, according to the evidence that we have, pulled up lame in a meet in Furth and injured your hamstring muscle; is that correct?

25

A. I think it was in Sindelfingen, West Germany.

Q. Sindelfingen?

A. Yes, in February 6th.

Q. February 6th, 1988?

A. Yes.

5

Q. And as we know you then stopped
competing in the indoor season in Europe?

10

A. Yes, because Larry make all
arrangements already that I would coming to maybe eight or
nine meets in Europe for the indoor circuits. And I got
injury right after I run my first races in indoors, I got
injured. And then the rest of the people who organized
the races was upset because I got hurt, because they said
all the plane tickets, I mean tickets and stuff to come
to -- like spectators to come to the meet and stuff like
that.

15

And I told Larry, Charlie I want to go home
because it was not necessary for me to be here. And they
said I had to go to places to make some appearance because
I got hurt and I can't run so I have to go to sign some
autographs. So, at that time the pressure was on me. So,
I have to listen to what Charlie said.

20

Q. So, although you couldn't run in the
races because you were injured, you stayed with the group
and went on the rest of the indoor circuit with them in
order to meet the expectations of the meet promtors. Is

25

that it?

A. Yes, sir.

Q. They still wanted you to show up
because you as the world champion and the world record
holder would be a drawing card?

A. Yes.

Q. And I take it from what you are saying
is you weren't very happy about that because you were hurt
and you just wanted to go home and rest up?

A. Yes, sir.

Q. Were you starting to develop a sense at
this time that maybe, I don't know, I want to be fair to
everyone, but did you have a sense that maybe unreasonable
demands were being placed upon you by some members of the
group or, indeed, other people because of the fact you
were then the world champion?

A. Yes, sir.

Q. And indeed I think Dr. Astaphan has
testified that that was his belief and understanding.

20

25

5 Q. All right, now you did when you came back from the indoor European season, having kept those public appearance commitments. And Charlie Francis has told us that you went off to the indoor national championships in Windsor, although you didn't run there, and then that was really the end of the indoor season and you went off to St. Kitts; is that correct?

A. Yes, sir.

10 Q. And with whom did you go to St. Kitts?

A. I went there with myself alone to St. Kitts.

Q. Didn't Desai Williams go with you?

A. Yes.

15 Q. Okay. And now Dr. Astaphan wasn't down in St. Kitts. You just went off for a holiday?

A. Yes.

Q. All right. And then you -- how long were you down there, about a couple of weeks?

A. About ten days.

20 Q. And then you came back to take up what would then be the usual spring training program; is that correct?

A. Yes.

25 Q. And Mr. Francis has testified that during this spring training program in Toronto in March,

that he gave you again injections of the so-called Estragol or the milky-white stuff at his apartment, and do you remember that?

A. Yes, sir.

5 Q. All right. Now you I think alluded to this or mentioned this yesterday, and we have had some evidence from both Mr. Francis and Dr. Astaphan that you had a bottle containing some drugs or a vial containing some drugs that had a label on it that said "do not take within 28 days of competition". Did you ever have a 10 bottle that had a label on it like that?

15 A. Jamie gave me a bottle. I can't remember if he gave me the bottle earlier or later on in the season, but he gave me a bottle, that label saying don't take 28 days before competition.

Q. All right. And did that bottle contained the milky-white substance?

A. Yes.

20 Q. The same kind of bottle that we looked at yesterday, that is a bottle like this, and I am showing you Exhibit 117A with the milky-white stuff in it?

A. Yes.

Q. And you say you don't know whether he gave it to you early in 1988 or later on in 1988?

25 A. Yes.

Q. And indeed you and I talked about this, trying to see if we could pin down the particular time, but let's just see if we can do it one more time.

5 We know that Dr. Astaphan was in Toronto in January of 1988. In fact, he was here in December of '87 for a few days and then he was here for a few days, about five, in January of 1988, and then I think on the evidence --

10 A. But most likely it could be early in that period of time between January of -- before I leave to go to West Germany for the European tour.

Q. And when he gave you that bottle, did he say anything to you about what you should do with it?

15 A. Well, he told me that I should get shots from this bottle. You know, if I don't get shots from Charlie, I should give Charlie the bottle and take it back and don't let Charlie keep it because he might use it on the rest of the athletes. So I take it back and he asked me where did I get it from. Charlie asked me where did I get it from and I told him Jamie gave me this bottle.

20 Q. All right. But he told you not to give it to Charlie because he didn't want it to be used on the rest of the athletes; is that it?

25 A. Yes.

Q. And when you got your shots then in the spring of 1988, did you take that bottle to Charlie's apartment or did he give you shots from his own supply?

5 A. Well, normally I would take my bottle to him and put it back in my bag and go back home.

Q. All right. And what happened to that bottle?

10 A. Well, after I get the shots as usual, I put it back on my shelf where I keep all my -- all my vitamins are, and I had the bottle up until I got back from Seoul and I smashed it against the wall and just threw it in the garbage.

Q. And you smashed it against the wall after you got back from Seoul?

15 A. Yes.

Q. And threw it into the garbage. You have to say yes.

A. Yes.

20 Q. You nodded your head and I take it you mean yes you did.

A. Yes, yes.

Q. And, Mr. Johnson, about how long was that after you got back from Seoul, do you remember?

A. About two days, three days.

25 Q. All right. Then in early May of 1988,

5

and in particular I think it was May the 3rd, you apparently went to Dr. Sussman's office to get some kind of vitamin preparation or some kind of drug that was recommended to you by Charlie Francis. And when you were there, according to Dr. Sussman, he says that as you were leaving or as you were out in the reception area, you went up to him and asked him for some syringes. Do you remember anything like that happening?

10

A. Yes, sir.

15

Q. And tell us about that, please.

A. Well, normally Jamie would give me my own B12 injection in the bottle, and Waldemar always keep that for me in his bag whenever he normally would come to practice, so one day I went to get my shots from Waldemar and he didn't have any needles so I went back to -- Charlie asked me if I can get some somewhere and I said the only place I can get it is my doctor because I don't want to go inside any places and buy anything. So I asked my doctor --

20

Q. Let me stop you there. I guess by that time, if Ben Johnson walked into a drug store in Toronto asking for needles, that would be something that would be known to perfect strangers I guess.

25

A. Yes, sir.

Q. And you didn't want to do that?

A. No.

Q. So when you went to see your doctor for this other reason, you asked him if you could have some syringes?

5

A. Yes, sir.

Q. Did he ask you what you wanted them for?

A. Yes, he asked me what I want it for and I told him I want it for inosine and B12.

10

Q. All right. Now after the spring training period and your recovery and rehabilitation from the hamstring injury that you suffered in Germany, you ran in your first race on May the 13th, 1988, in Tokyo; is that correct?

15

A. Yes, sir.

Q. And of course, as we all know and as we have it in the evidence here, you again suffered yet another injury to your hamstring?

A. Yes, sir.

20

Q. And who was with you in Tokyo when you ran in the race on May the 13th, 1988?

A. Charlie and Larry was there.

Q. And was Dr. Astaphan phoned to discuss your injury?

25

A. Well, Charlie phoned him from Tokyo.

In St. Kitts it was about three in the morning there at the time.

Q. All right.

A. Because Tokyo is 16 hours ahead.

5

Q. All right. Now we know at that time that had you not been injured, the plan was that you would have gone from Tokyo back to Toronto and then off to Europe to the training camp in Spain and the rest of the competitive tour that had been set up in Europe; is that 10 right?

10

A. Yes, sir.

Q. That was the plan if everything had gone okay?

15

Q. Now, when you were still in Tokyo with Charlie Francis and Larry Heidebrecht, was there some discussion about whether or not you would, indeed, continue with that plan anyway and go on to the Spanish training camp and the European competitions that had been arranged?

20

Q. Well, yes, Charlie think that at the time my legs might be okay at that time to go to the training camp there to help the kids to do certain drills and help them with their track and field. At that time, 25 my leg didn't really heal properly that time so I didn't

go.

Q. You weren't eating properly at that time?

A. No, my leg didn't heal properly.

5 Q. Oh, didn't heal properly. I'm sorry. I apologize. And so what Charlie Francis has told us when he testified that it was his opinion that you should go to Spain and Europe where you could be looked after by Waldemar Matuszewski in terms of treating your hamstring 10 injury through physiotherapy, that an arrangement could be made for Dr. Astaphan to come over to look after the medical doctor side of it, and that, of course, Charlie Francis would be there to monitor any training program that you could go into. Was there some discussion about 15 that between you and Charlie Francis and Larry Heidebrecht?

A. Well, when Charlie phoned Jamie in St. Kitts, Jamie told Charlie that I should come down to St. Kitts and relax and try to get my leg to heal as early as 20 possible.

Q. All right. But Charlie Francis of course didn't think you should go to St. Kitts. Is that not so?

A. Yes, sir.

Q. He wanted you to go to Europe?

25

A. Yes.

Q. And do what I have just suggested, that is, do your recovery and training to get back in shape by traveling with the team?

5

A. Yes.

Q. All right. And so you came back to Toronto, and indeed there was, was there not, a plan that maybe it was still expected that you would go to Europe; is that not right?

10

A. Yes.

Q. And did you then talk it over with your mother as to whether or not you were going to go over to Europe?

15

A. When I got home from Tokyo, I was very, very exhausted, very tired. I traveled for a day and a half. You know, I get back and I tell my mom I'm very tired and burned out. I can't go back to Europe for six weeks with my leg injury.

20

At the time I had a lot of pressure on me. At the time Charlie would keep on phoning me maybe two, three times a day, asking me I must come because Waldemar is going to be there to massage me and give me proper treatment three times a day because there are some things doing in Spain at the time with some kids and some big commitment have to be made so Charlie wants me to be there

25

definitely for that purpose.

Q. I'm sorry, I missed that. In Spain
some big --

A. Some big commitments.

5

Q. Oh, some commitments, I see, yes, had
been made and he wanted you to again meet those
commitments, is that it?

A. Yes, sir.

10

Q. All right. And so you're home in
Toronto. You talked to your mom, told her that you were
exhausted, you really didn't want to go but you were
getting telephone calls from Charlie Francis suggesting he
wanted you to go.

A. Yes, sir.

15

Q. Did you also talk to Dr. Astaphan?

20

A. I talked to Jamie in St. Kitts. I told
Jamie I would like to come down and relax mentally and
physically. I need it because I have been doing this for
a lot of years and it's very hard on me so I was under
pressure at the time. I come to the last moment that I'm
not going to go.

Q. Not going to go to Europe?

A. Yes.

25

Q. So you made the decision yourself to go
to St. Kitts?

5

A. At the track before they take off the next day and Charlie was getting in a bit of an argument about going to Europe, and he told me that if I don't come to Europe, I'm going to be by my own, and he takes off and leave me by, and he say that he is not going to be my coach anymore if I don't come to Europe.

10

15

Q. If you didn't go to Europe?

A. Yes.

Q. All right. Well, of course you were, Mr. Johnson, leading up I guess to the most important race of your career and I guess, as a coach, the most important race of Mr. Francis' career, so I suppose in fairness to him, he was really saying look, we're just a few months away from the Olympics. I want you to be with me in Europe rather than down in St. Kitts.

Is that sort of the impasse or the point you had reached in your discussions?

20 A. I mean, my leg was so seriously, the muscles almost teared to the bone. I mean, the doctor in Tokyo said if I had gone an extra metre, I would have had surgery on my leg, so he told me the only way I can get this thing healed properly is to not train for five weeks.

I couldn't go to Europe, you know, with my suitcase running around in Europe for five or six weeks so I told Charlie I don't think it's a good idea.

25

5

Q. All right. So we know of course that you went to St. Kitts, and presumably you must have phoned Dr. Astaphan. I think maybe a moment ago you just told me you phoned Dr. Astaphan and told him you wanted to go to St. Kitts and that you were coming, I take it?

10

A. Yes, sir.

Q. Now before you went down to St. Kitts, did Dr. Astaphan tell you that he needed you to get \$10,000 U.S. cash?

15

A. Well, before I went to St. Kitts, he told me I need \$10,000 for my medical things, for my leg, and he asked me where would he get the money as soon as possible because I couldn't get it from up in Ottawa because it takes a long time to send the money down. So I went to Mr. Earl--

20

Q. Can I just stop you there. When you say you couldn't get the money up in Ottawa because it takes a long time, you mean you couldn't get the money out of your Canadian Track and Field Association trust account because you have to probably sign a lot of papers and provide explanations as to why you want \$10,000; is that it?

25

A. Yes, sir.

Q. And that takes a long time?

A. Yes.

Q. And Dr. Astaphan is telling you you needed \$10,000 for medicine for your leg right away?

A. Yes.

Q. All right.

5 THE COMMISSIONER: I'm sorry, for medicine for the leg is it? I didn't hear the answer.

MR. ARMSTRONG: I think that's what he said, yes.

THE WITNESS: Yes, sir.

10

MR. ARMSTRONG:

Q. And he asked you where you could get it?

15 A. Well, the only place I can have the money is Mr. Earl because he's the one who kept all the money there.

Q. That's Ross Earl who was the president of the Scarborough Optimist Track and Field Club?

20 A. Yes, sir. It come to my mind that I asked Jamie why this type of things cost so much money. Like, \$10,000 U.S. is a lot of money, and he said these things are very expensive and hard to get.

Q. Very expensive and hard to get?

A. Yes.

25 Q. Yes? Did he say whatever the medicine

was, where he was going to get it?

A. No, he didn't say.

5

Q. All right, and did he tell you that the \$10,000 was for growth hormone? Did he mention growth hormone?

A. No, he just said all my drugs. He didn't say anything at all about any names at all.

Q. But he said drugs, did he, or medicine?

A. He said medicine.

10

Q. All right. And then so did you go and speak to Mr. Ross Earl about getting \$10,000 U.S.?

15

A. I went there and I got \$10,000 from him. I come back and I phone his brother Chris, he's a lawyer, and I said Chris, I have the money. I met Chris downtown. I signed a receipt that I gave Chris \$10,000. He phoned Jamie and told Jamie he got the money and he is going to deposit the money in his account up here. In the next couple of days, I was off to St. Kitts.

20

Q. All right. Just let me see if I have got it here. You went to Ross Earl. You got the \$10,000 U.S. in cash?

A. Yes.

Q. You took that \$10,000 U.S. in cash to Jamie Astaphan's brother Chris?

25

A. Yes.

Q. And he was a lawyer for Ross Earl you say or a lawyer for Dr. Astaphan?

A. No, his brother.

5 Q. Yes, okay. He was a lawyer and Dr. Astaphan's brother?

A. Yes.

Q. All right. And then you took the \$10,000 to him?

A. Yes.

10 Q. And he gave you a receipt for it?

A. Yes.

Q. And did Ross Earl ask you what the \$10,000 was for?

A. Yes.

15 Q. And what did you tell him?

A. I told him that the doctor want it for the money to have my legs fixed up.

20 Q. All right. And when you gave the money to Chris Astaphan, did he mention growth hormone or make any suggestion to you of what he understood the money to be for?

A. No.

25 Q. And you understood you were just giving it to him because he would deposit it in a bank account of Dr. Astaphan; is that it?

A. Yes, sir.

5

Q. All right. Then we know that you went down, as you say, a couple of days later to St. Kitts, and there really, Mr. Johnson, are two periods in a way, in a sense that you are in St. Kitts because there is a trip that you take to Italy and Helsinki. So when I talk to you first, I'm going to talk to you about the first part of your visit to St. Kitts before you went over to Italy, okay?

10

A. Yes.

Q. And when you went down to St. Kitts, did you take a blue Samsonite bag that contained a lot of drugs or vitamins or stuff in it like that?

15

A. Well normally, if I would be probably gone for about three weeks, I would normally take my vitamins down there so when my leg got better, I would be able to start to take my vitamins back and started training again very seriously.

20

Q. And when you went to -- and did you take a bag down with you that had some of your vitamins in it?

A. Yes.

Q. And when you went down to St. Kitts in May of 1988, you stayed where?

25

A. At the hotel.

Q. Hotel, the Jack Tarr Village Hotel?

A. Yes.

Q. And Dr. Astaphan has a suite there as well, does he?

5 A. Yes.

Q. Or did at that time. And did he meet you at the airplane?

A. Yes, he did.

10 Q. And did he come over to the hotel with

you when you unpacked your things?

A. Yes.

Q. All right. Now he said that when you were unpacking your things at the Jack Tarr Village Hotel, that you opened up one of your cases, and I think it was kind of a blue Samsonite bag, and that he found this glass bottle that I have in my hand which is Exhibit 184A which appears to have a dark brown liquid in it.

15 Have you ever seen that bottle before? I know I showed it to you last Friday, but before it was presented here, have you ever seen it before?

20 A. No, sir.

Q. And did you have a bottle like that in your bag in St. Kitts last May when you went down there?

A. No, sir, no.

25 Q. So Dr. Astaphan says he took that out

of your bag. That, as far as you're concerned, just didn't happen?

A. Didn't happen, no.

5 Q. Okay. Now when you were down in -- when you got down there in St. Kitts and before you went over to Italy with Dr. Astaphan, did you hear from Charlie Francis at all when you were in St. Kitts?

A. No, he didn't phone at all. I was down there for three weeks and he didn't phone once to see how 10 I was doing. So he didn't phone and then I wasn't caring if he phone or not.

Q. And you said he didn't care or you didn't care if he didn't phone?

15 A. I didn't care because I was down there for three weeks. I mean, I was down there by myself with Jamie and Jamie was helping me, and he didn't even have time out to phone and see how I was doing.

Q. Well, I take it from the way you tell that, that that probably upset you that he didn't seem to care; is that it?

A. Yes.

20 Q. And in fact, in fairness to Mr. Francis, he has testified that he now understands that, that you were upset about the fact he didn't phone and he has given his own explanation as to why he didn't.

He was in Europe, he was busy, you were in different time zones and so on, but at least the way you felt at that time, you felt ignored. Is that it?

A. Yes, sir.

5

Q. And during this first part of your visit to St. Kitts and before going to Italy, was Dr. Astaphan looking after your injured hamstring?

A. Yes, sir.

Q. And what was he doing?

10

A. Apparently at the time he told me that there's a fellow Jack from down in San Diego that's coming up to treat my leg, this fellow, and was using this machine on my leg.

15

Q. Again, I'm just going to stop you there because I may be wrong, but I think that you are going to get into the story about Jack Scott, but that comes after you were in Italy, isn't it, in the second phase? It comes later in June when Jack Scott comes down; isn't that right?

20

A. Yes, sir.

Q. I just want to stay with the first part of your visit to St. Kitts. It was just you and Jamie Astaphan down there alone, correct?

25

A. Yes, he was giving me shots, he was giving me pills to take three times a day. It was all

different coloured pills. There was blue, green, red, white. I was seeing all kinds of different pills.

Q. And did you know what they were for?

A. No.

5

Q. Did you ask him?

A. Well, all I think that he was trying to heal my leg. He said that.

Q. Trying to heal your leg?

A. Yes, like get the blood circulating around the tendon because the tendons are so very small.

10

Q. And you say he gave you shots down there. Were they shots of milky-white stuff such as the milky-white stuff in Exhibit 117A in this bottle?

15

A. I'm not sure if I was receiving shots down there like that.

Q. Oh, at that time you're not sure?

A. I'm not sure.

20

Q. All right. I'm sorry, I thought a moment ago you said, but maybe I got it wrong, that you had received some shots down there in St. Kitts in this first phase.

A. Yes, I did. I had B12 and mixed up different types of stuff in the needles and he put it in.

25

Q. All right. Then during this period before you took the trip to Italy, were you doing any

training or were you just in that part really mainly resting?

5

A. My leg was still hurting at the time. It was just maybe a couple more days before it was okay to start training again.

Q. And the evidence that we have from Dr. Astaphan is I think that you started to do some running in the sea in the sand; is that correct?

10

A. Yes, sir.

Q. All right. Now it was, I believe, on June the 9th that you and Dr. Astaphan arrived in Padova, Italy, right?

15

A. Yes, sir.

Q. And apparently you went over there to keep some commitments for Diadora?

A. Yes.

Q. There was to be some film shots taken of you and the Diadora clothing that you were endorsing?

A. Yes, sir.

20

Q. And also you were going to combine that trip at that time with going up to Helsinki to Finland to do a photo shoot or a film shoot in regard to one of your contracts with a Finnish company, is that so?

A. Yes, sir.

25

Q. And indeed, you and Heidebrecht and Dr.

Astaphan, Larry Heidebrecht and Dr. Astaphan flew up to Helsinki while you were in Padova for a day or so to do just that; is that correct?

A. Yes, sir.

5 Q. All right. Now when you first got to Padova, it was June the 9th, and on the evidence as we have it, I think it was June the 10th that Charlie Francis and the athletes arrived for a track meet. Now, when they arrived, were you staying in the same hotel as Charlie 10 Francis?

A. Yes, sir.

Q. And when you first saw each other, did you speak to each other?

15 A. He didn't say nothing to me, so I didn't talk to him.

Q. So for a day or so there or whatever it was, you kind of ignored each other, is that not right?

A. Yes, sir.

20 Q. And then apparently you and he in a hotel room in Padova got eventually together and got into an argument?

A. Well, we didn't really get in an argument. If Charlie is in a room, I wouldn't go in there, and if I'm in a room and he comes in, he probably would ignore me or probably might do something like run 25

out of the room. But I never saw Charlie to see whatever I was discussing or what I was doing. I would be far away from him.

5 Q. I see. So you were kind of, as we say, keeping your distance from Charlie Francis and perhaps he was keeping his distance from you. Is that it?

A. Yes.

10 Q. Now, we have heard though that apparently you showed up at a track meet in Padova or at the track in Padova without your Diadora clothing on and apparently that upset Mr. Francis; is that right?

15 A. Yes, it kind of upset him because they tell him people was paying, like, \$2.5 million to wear everything, you know, and I show up with -- I told Larry that I don't feel like to wear my track clothes to the track because they get more sponsors and more press that way.

20 So I told Larry I don't want to go there because I want to be just relaxed in my casual clothes and watch the meet. So I told Larry that I want to wear a track shoes instead of wearing my full gown to go to the meet and everybody got upset at me, why I'm not wearing the Diadora track clothes.

25 Q. And Charlie Francis got upset with you in particular, did he not?

A. Well, he didn't really get upset at me, he told Larry to tell me that I should wear the Diadora singlet or any type of wear.

5 Q. Now while you were in Padova at some point though, as we have it from Mr. Francis when he was here as a witness, you and he did get into a discussion about the future, and he said the result of it was that the two of you came to the conclusion that he wasn't going to be your coach anymore and you weren't going to be his 10 athlete anymore. Is that right? Do you remember that?

A. No.

Q. Wasn't there a kind of falling out where you were going to go your own way without Charlie Francis?

15 A. That was before.

Q. That was before. That was even before -- I think you told us earlier that he said to you in Toronto if you didn't go to Spain and on the European tour, then he wasn't going to coach you anymore?

20 A. Yes, sir.

Q. So that's when that decision or when that position was taken?

A. Yes.

Q. All right. And was there -- is it 25 possible there was also a discussion like that between you

and Mr. Francis when you were in Padova?

A. I don't remember. I can't remember.

Q. You don't remember?

A. No.

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10

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5

Q. Because Charlie Francis certainly remembers it, and, apparently, Waldemar Matuszewski your masseur and Dr. Astaphan indeed had a discussion in Padova about what was going to happen to you in the future without Charlie France Francis as your coach.

And when you were in Italy in Padova, did you ever have a discussion with either Waldemar Matuszewski or Dr. Astaphan about what was going to happen to you in the future without Charlie as your coach?

10

A. Yes.

Q. And what was that discussion?

15

A. Well, they said that you know if I could ever do, coach myself or, you know, because the Olympic Games is coming shortly and I have to -- who is going to massage me, and who is going to be me coach to see how fast I am going or time me or the things I am doing wrong and so forth.

20

So, I -- what I got a person I could help me on track like Marv Mash or people here who could help me. So, at the time I didn't really think Charlie would want to coach me again from what we have been in the last few days.

Q. Okay. Was there ever any suggestion that Dr. Astaphan would actually coach you or manage you?

25

A. He wouldn't be my manager. He was

trying to do in the best way he can possibly do for me.

Q. And when you say he wouldn't be your manager, I take it also then there was no discussion with him that he would become your coach?

5

A. No.

Q. So, if I understand what you are telling us is that Charlie Francis was no longer going to be your coach, Waldemar Matuszewski would continue as the masseur?

10

A. Masseur, yes.

Q. Dr. Astaphan would do what he could do to help and presumably most of that would be on the doctor or medical side, right?

A. Yes, sir.

15

Q. And whether or not you would be able to coach yourself, you knew or thought that you might have available the resources or the assistance of Marv Nash?

A. Yes, sir.

20

Q. And, what, other coaches at the Scarborough Optimist group?

A. Percy Duncan.

Q. Sorry?

A. Percy Duncan.

25

Q. Percy Duncan. So, then that was your plan then in June of 1988 when you were in Padova, Italy?

A. Yes.

5

Q. All right. Now, we know on the evidence that apparently you had a cousin getting married in London and some of your family was there, and you apparently went back to St. Kitts, but you stopped off in London to visit some relatives, is that so?

10

A. Yes, sir.

Q. And off you went back down to St. Kitts with Dr. Astaphan?

15

A. Yes.

Q. Did he go with you to London and back to St. Kitts?

20

A. Yes, sir.

Q. All right. And we know that on this second part of your stay in St. Kitts in May-June 1988, that apparently a Jack Scott and Doug Casey showed up. And you were going to tell me about that earlier.

Can you just tell us now, Mr. Johnson, how it came about that you were introduced to Jack Scott and Doug Casey. How did they end up coming down to St. Kitts?

25

A. I think Jamie set everything up. Jamie said that there is two guys coming down to help me with my leg with a machine. And Jack Scott said to me that there is a lot of basketball players use that machine because of injuries and it really helped. And at the time I wanted

to get as much help I can get because I haven't got much time --

Q. All right.

5 A. -- to start to train properly and

trying to compete.

Q. Was this some kind of stimulating machine that would be put on your bad leg on the hamstring --

A. Yes.

10 Q. -- muscle?

A. Yes.

Q. And is that the machine that's been called a miomatic machine?

A. Yes, sir.

15 Q. All right. And so Dr. Astaphan told you that these two guys were going to come down to St. Kitts?

A. Yes, for about a week.

20 Q. For about a week, and that they would bring this machine with them?

A. Yes.

Q. And I take it from what you have said that you were in agreement that that should happen?

A. Yes.

25 Q. And we know, of course, that they

arrived in St. Kitts. And did they bring their machine with them?

A. Yes, sir.

5 Q. And where did they stay? Did they stay at the same place you were at?

A. Yes.

Q. At the Jack Tar Village?

A. Yes.

10 Q. Did they treat you every day with this machine?

A. They treat me three times a day about three hours.

Q. All right. So, what, an hour -- three hours in total each day?

15 A. Yes.

Q. Okay. And did you find that this miomatic machine helped?

A. Yes.

20 Q. Did you also do some actual training with Scott and Casey?

A. Yes, sir.

Q. By this time were you starting to train on land?

A. On land.

25 Q. In St. Kitts there is some kind of a

training ground there, is there a football or athletic --

A. Field.

Q. -- ground?

A. Yes.

5

Q. Field. Is that where you were training?

A. Yes, sir.

Q. All right. And did Scott go there and train with you?

10

A. Yes.

Q. Now, did you know that when Jack Scott came down to St. Kitts that he had been a masseur or a physiotherapist for Carl Lewis?

A. No, sir, I didn't know that.

15

Q. He didn't tell you that?

20

A. No. All he told me that -- Jack Scott told me that he's worked with a number of the years with athletes with injuries and stuff. And he mentioned Carl Lewis. He mention Jackie Joyner and the rest of the top person, you know, training.

Q. So, he did mention that he had treated Carl Lewis?

A. Yes.

Q. I am sorry, I just missed that.

25

A. Yes.

Q. Okay. And did you ever have any discussion with Jack Scott about drugs or steroids?

5

A. No. I mentioned it to -- at the track once, one time when I was warming up. I told him that I didn't like the whole idea with Charlie and Jamie, and after the Olympic Games was over I was going to finish with everybody.

10

Q. After the Olympic -- you didn't like the whole idea with Charlie and Jamie?

A. Yes.

Q. And everybody. And after the Olympic Games you were going to what?

A. Just forget everybody.

Q. Forget everybody?

15

A. Yes.

Q. Now, did that have anything to do with drugs?

20

A. No. It was just a matter of what I had been going through in that same year with trying to go places, trying to help -- I don't mind helping different athletes trying to make some money, but I was in -- I was in too deep. I was -- I -- well ...

Q. Well, let me see if I can help you. You kind of thought you were being used a bit, did you?

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A. Yes.

MR. ARMSTRONG: All right. This might be a good point to take a bit of a break.

THE COMMISSIONER: We will take our morning break.

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MR. ARMSTRONG: We have had a long morning.

--- Short recess.

--- Upon resuming.

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THE COMMISSIONER: Mr. Johnson. All right.

THE WITNESS: Yes.

THE COMMISSIONER: All right. Mr. Armstrong.

15

MR. ARMSTRONG: Thank you. Sorry, if I could just have your indulgence while I put this mike back on.

MR. ARMSTRONG:

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Q. Mr. Johnson, when you were in St. Kitts in this if I can call it the second phase or second part of your visit there in May-June 1988, we were talking about your training, your being treated with the miomatic machine through Mr. Casey and Mr. Jack Scott. Did both Scott and Casey sometimes train with you?

25

A. Yes, sir.

Q. And Scott would run with you. And Casey, would he also run with you?

A. Well, he got a problems with one of his foot so he couldn't run that much, but he showed me quite a few exercises, what to do.

5 Q. He gave you an exercise program, did he?

A. Yes.

Q. Did you ever have any conversation with 10 Doug Casey about drugs or steroids at all?

A. No.

Q. I asked you before the break this morning about what drugs or vitamins or pills may have been given to you by Dr. Astaphan during the first part of 15 your trip down to St. Kitts before you went off to Italy.

Now, in the second part of your trip to St. Kitts, after you had gotten back from Italy, was Dr. Astaphan still providing you with pills three times a day, different colored pills?

20 A. Yes, sir.

Q. Did he ever tell you that he was giving you some growth hormone, injections of growth hormone?

A. Well, he was normally would give me different type of shots. I saw him drop a few different shots in different type of bottles he would give me. So, 25

I didn't really have time to ask him what he was giving me.

5

Q. When you were there in the second part of the visit or stay in St. Kitts after Italy, did he ever give you any shots of the milky-white stuff?

A. Yes.

Q. He did?

A. Yes.

10

Q. And do you remember about how many shots you would have received of that when you were there?

A. No, I don't remember.

15

Q. Then we know, Mr. Johnson, that you returned to Toronto sometime in the later part of June 1988, and apparently either you called Ross Earl or Ross Earl called you and you had a meeting about what your situation was. Is that right?

A. Yes, sir.

20

Q. And you went up to what, Ross Earl's house or school?

A. Well, he called me and said that sometime during the week he is going to have a meeting with Charlie and I was going to come to his place and have a meeting and trying to go over what's been happening.

25

He mentioned at the meeting with Charlie and I and myself there and we shake each other hand and we say

5

hello and sit down. Mr. Earl talks a lot, cover Charlie was my coach from since many, many years and I, you know, trust him and he is a great guy. And there's not the time to pick up this relationship because the Olympic Games is just around the corner and we better patch things up very shortly because there is not much time left to start to train again seriously and trying compete and trying to get my mind back on focus running.

10

Q. And I take it all of that made sense to you that the two of you get back together, he was your one and only coach and he continued to be now your coach up to the Olympics?

A. Yes, sir.

15

Q. So, what had happened, really, is you just patched everything up and you got back together like it had always been; is that right?

20

A. I didn't say too much. I just listened to what Mr. Earl had to say and Charlie say sorry what happened and I said I am sorry myself. And we shake each other hand and back to work, back to training.

Q. Back to work, back to training, whatever the disagreement was, it was over?

A. Yes.

25

Q. All right. Then sometime in this summer period of 1988 in July there was an agreement

entered into in which you apparently were going to pay Dr. Astaphan a monthly fee of \$10,000.00 and pay for his travelling and incidental expenses. Is that --

A. Yes, sir.

5

Q. -- right?

A. Yes.

Q. And how did that come about that you were going to pay Dr. Astaphan \$10,000.00 a month?

10

A. Well, he told me in St. Kitts in June that if he was going to be with me for a couple of months until after the Olympic Games, he is going to need a contract with me for \$10,000.00 a month. He said that there is a lot of people down in St. Kitts need medical treatments and cares and stuff, and he is not going to be there in St. Kitts to help them, he is going to be with me. So, he needs some money to -- for his job.

15

And I told Mr. Earl that and Mr. Earl talked to him and asked him how much money he would want. And we agreed upon \$10,000.00 a month for about four months or so. And we -- I signed the contract, he signed it, and it was agreed to pay that.

20

Q. All right. Then during the month of July 1988, you are back in Toronto, you are back together with Charlie Francis as your coach. And I take it that you started training on a regular basis to get ready for

25

the nationals in Ottawa on August the 6th and August the 7th; is that right?

A. Yes, sir.

5 Q. And during that period of time would you have taken any drugs at all, any steroids at all, in that period of time before the nationals in Ottawa?

A. No.

Q. I guess you would have gotten regular shots of the Inosine vitamin B-12, would you?

10 A. Yes, sir.

Q. And you would have gotten those shots from Charlie Francis or Waldemar?

A. Both.

Q. Both?

15 A. Yes.

Q. And how often, I don't think I have asked you this so far, how often would you have taken the shots of vitamin B-12 and Inosine during a training period?

20 A. Monday, Wednesday, and Friday.

Q. I see. You do that on a regular basis right through a training period and right up to the time of competing?

25 A. Sometimes we get shots on the same day we are competing.

Q. All right. Then, I am going to ask you about the nationals in Ottawa in a moment in 1988.

I wanted to take you back for a minute to 5 August of 1987 in Rome prior to the meet in Rome. Now, when you won the world championship 100 meters and set the record of 9.83 you were tested after that meet in Rome, were you --

A. Yes.

Q. -- by the IAAF. And I asked you before 10 the break this morning whether you had taken any of the drugs or steroids in August prior to that meet and you told me that you didn't, right?

A. Yes, sir.

Q. Was there ever any discussion at all 15 that you can remember between you and Dr. Astaphan just a few days before the meet in Rome that he was going to give you something extra or something special for Rome at all?

A. He didn't tell me that, no.

Q. So as far as you are concerned, you 20 would simply have gotten -- you probably would have taken your vitamins up to the time of Rome; is that right?

A. Yes, sir.

Q. You probably would have gotten shots of 25 vitamin B-12 and Inosine up to the time of competition in Rome on a regular basis, would you?

A. Yes.

Q. And Jamie Astaphan -- Dr. Astaphan would have given you those shots in --

A. Yes, sir.

5

Q. -- when he was there in Rome?

A. Yes.

10

Q. Sorry, I am going to go back now to 1988. We are at the nationals in Ottawa, August 6th and 7th I think the dates were. And we know you ran the 100 meters and, of course, as usual won.

When you were in Ottawa, apparently Jack Scott was there?

A. Yes, he was.

15

Q. How did it come about this time that Jack Scott came to Ottawa?

20

A. Well, he phoned me and asked me if I needed him to come down to Ottawa to treat my leg. I was telling him, yes. I ask him okay, if you want to come down and treat me, then that's okay with me. Then he finally come down and we was in the same hotel, maybe just next room beside each other. Normally they would treat me twice a day for about four hours.

25

The day of the competition in Ottawa, he was treating me. And Charlie probably asked Jamie or Waldemar who is that guy who is treating Ben. And found out -- I

don't know if Charlie knows that Jack Scott was treating Carl Lewis personally -- Carl Lewis. So, Charlie really get upset.

5 Q. Charlie didn't know who Jack Scott was at that point in time, wondered who he was, is that it?

A. Well, he knows that Jack Scott was Charlie's -- I mean Carl Lewis's physician like --

10 Q. I see. Charlie Francis knew -- you think he knew at that time that Scott was Carl Lewis's physiotherapist?

15 A. Yes. So Charlie got upset -- Charlie get upset, call me over and ask me if I know that if Jack Scott was with Carl Lewis, if I -- if any concern to me about it. I said no, I don't really concern if Jack Scott was helping Carl Lewis because he can't beat me anyway if Jack Scott was trying to find something out what was going on.

20 Q. All right. And then so when Jack Scott was there treating you, I take it he was treating with this miomatic machine for about four hours a day, is that it?

A. Yes, sir.

25 Q. Then after the Ottawa nationals in early August we know that you went off on the European tour first to Italy to a meet in Sestriere, then to a meet

in Cesanitico in Italy, then on to Zurich where, I am sorry I always get this confused whether in Zurich you came second or third?

A. Third.

5

Q. Third?

A. Yes.

Q. Carl Lewis won the race in Zurich?

A. Yes, sir.

10

Q. Then on to Cologne where Carl Lewis wasn't in the race, and you came third in Cologne?

A. Yes.

Q. Now, we also know that Angella Issajenko was injured, she left early, didn't even compete in Cologne; is that correct?

15

A. Yes, sir.

Q. And how were you feeling after the Cologne race?

20

A. I was very upset I lost. I can't win all the time, but I know it was injury and everybody knows it was injury so it just a matter of getting a few races to get --

THE COMMISSIONER: In Cologne it was 10.26.

THE WITNESS: Yes, sir.

THE COMMISSIONER: That's the time.

25

THE WITNESS: Yes, sir.

THE COMMISSIONER: Okay.

THE WITNESS: And it's just a matter of time to get back into shape and trying to focus back on what I was doing before.

5

MR. ARMSTRONG:

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Q. And were you at that time concerned about what your chances were for the Olympics because you are just a month away from the Olympics or a little better than a month away from the Olympics?

15

A. Yes, I was very concerned. I was very tired in Europe. I was very burnt out. I had been travelling thousand meters high and going back to sea level and that's -- you catch a lot of colds like you know coming down back down to sea level and flying in a chopper from Sestriere to Milan and take a taxi from there on to --

20

Q. Cesanitico?

A. -- Cesanitico.

25

Q. Yes. So, I guess what you are saying is what we have already heard from other witnesses is you and the others were kind of tired out from this trip, is that it?

A. Yes, sir.

Q. And a decision apparently was made to

come home early from Cologne rather than go on to the next meet that was scheduled in Berlin; is that right?

A. We were supposed to go to Berlin.

Larry make up that commitment already that we will be able 5 to go there and things didn't work out. Everybody feel tired. The guy who organized the races was kind of upset, but I said it's better to go home now then sorry. I might get burnt out with colds like 15 degrees. So, it was chances there, we didn't want to take any chances there at 10 all.

So, we come to back home Toronto, take off a week off and get the battery fully rested so we are able to train much harder and better.

Q. I take it you agreed with the decision 15 then to come home early and follow that kind of program?

A. Yes, sir.

Q. Now, you came home on August the 23rd, and Dr. Astaphan has told us that shortly after you got 20 home there was a kind of an informal meeting, a discussion up at the York University track in which you were there, Mark McKoy, Angella Issajenko, Desai Williams, and Charlie Francis was there together with Dr. Astaphan. And there was a discussion about a program of Estragol or the milky-white stuff, Inosine-vitamin B-12 and growth 25 hormone. Do you remember discussing that after you got

back from Cologne with that group?

A. Well, I wasn't -- I wasn't discussing, I was just there trying to listen to what was going on.

Q. And Dr. Astaphan has told us that 5 indeed what he recommended was that you go, you and the others, would go on a program for about two weeks involving these three things: the Inosine-vitamin B-12; the Estragol, the milky-white stuff; and the growth hormone. And is that when you sat there or stood there 10 listening, is that what was being discussed?

A. Yes, sir.

Q. All right. And indeed he said that for 15 Angella Issajenko he wrote out a sheet of paper the dates and the particular drugs that -- or substances that should be taken. And Angella Issajenko provided us with this paper. It's Exhibit 126.

And he wrote down on the paper, for example, I for Inosine, E for Estragol, and G for growth hormone and indicated when the shots of each of those should be taken. And did you ever get a sheet like that from Dr. 20 Astaphan?

A. No, because if I have a contract with a doctor and he is the one who would know what exactly what to do, I don't think he would be able to draft me up a 25 program like this what Angie has.

5

Q. All right. Now, let me just tell you a little more of what he said. He said that you were up at York and when you left that he got a ride back to wherever he was staying with you and that he provided you indeed with a piece of paper with much the same kind of writing on it. I am sorry I took it away from you and just look at that and think carefully.

10

Do you remember after being up at York that you drove him home and while in the car he gave you a sheet of paper like that with --

A. It could be possible.

Q. Yes?

A. Yes.

15

THE COMMISSIONER: I am sorry, I didn't hear the answer.

MR. ARMSTRONG: He said it could be possible.

THE COMMISSIONER: Thank you.

20

MR. ARMSTRONG:

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Q. And now, when I reviewed with you this morning when you ordinarily would go on a drug program, you told me that it was usually in the fall period getting ready for the indoor season, then you would do the indoor season, and you would go on a program in the March break,

March-April period of time for the first part of the outdoor season, then you would come back from Europe and go on a program at the end of June-beginning of July.

Right?

5

A. Yes, sir.

10

Q. It would be those three times in the year. Now, as we have it, this seems to be a bit of a change. First of all, you were going on a program now in late August-early September, just a month before you were going to run in your biggest race. And had you ever done that before that you can remember?

15

20

25

A. No, sir.

Q. And did that concern you?

A. No.

Q. No?

5 A. What was your question? I didn't hear
that.

Q. I'm sorry. Did you wonder about it?

10 Did you say to yourself well, usually I get these drugs in
the fall before the indoor season, in the spring before
the first part of the outdoor season and then do the first
part of the outdoor season, come home and go on them again
at the end of June or early July to get ready for the
August-September outdoor season.

15 And did you say to yourself well, that's
what I usually do. Why are we going on this program now?
Did that -- did you think about that at all?

A. No, sir.

20 Q. Well, let me ask you this. Did Dr.
Astaphan or Mr. Francis or indeed any of the other
athletes express some concern that the group hadn't done
all that well on the European circuit in August and that
maybe something should be done prior to the Olympics to
get you back in shape for the Olympics or get you into
shape for the Olympics? Was there any discussion like
25 that?

A. Well, I think Jamie or Charlie might feel that way, but in my own mind, I was completely different from what I was supposed to be doing. I mean, I came back from Europe very tired. I done too many races to be shot now for the races I lost in Europe and just a matter of getting back in practice to do the type of training I usually do to get prepared for the Seoul Olympic Games.

I have about a month to go for the games in Seoul, and it was just a matter of time to get fully rested and got sleep and everything like that.

Q. Now, did you understand that you were going to be taking some growth hormone in August?

A. No.

Q. No?

A. No.

Q. Now we have heard from Mr. Francis that he thinks perhaps on August the 24th, that at his apartment, he gave you an injection of this so-called Estragol or milky-white stuff, and do you remember that after you got back -- virtually the next day after you got back from Europe?

A. Yes.

Q. And again I just want to show you this stuff. When you got that shot in Charlie Francis'

apartment the day after you got back from Europe, was the white stuff taken from a bottle he had or a bottle you had?

A. From a bottle he had.

5

Q. From a bottle he had?

A. Yes.

Q. And did it look like that?

A. Yes, sir.

10 Q. All right. And whatever happened to the bottle that you had that had the 28 days, "Not to be taken within 28 days of competition"?

A. It was at home.

Q. I see. All right. So you didn't bring that that day to Charlie Francis' apartment?

15

A. No.

Q. All right. And then, Mr. Johnson, we have heard some evidence that on the 25th and 28th of August or thereabouts, that Dr. Astaphan went to your house and gave you a shot of the so-called Estragol or 20 milky-white --

THE COMMISSIONER: On two occasions, not one or the other.

MR. ARMSTRONG:

25

Q. Yes, I'm sorry I misphrased the

question then. He gave you two shots, one on August the 25th and one on August 28th of the milky-white stuff at your house. Do you remember that?

A. Yes, sir.

5 Q. And when he gave you the injections or shots of the milky-white stuff, where did the milky-white stuff come from?

A. Of his own, what he brings over to my house.

10 Q. All right. Okay, and again was the milky-white stuff in a bottle that looked like that?

A. Yes, sir.

Q. And I'm showing you Exhibit 117A. The same coloured liquid, same size of bottle?

15 A. Yes, sir.

Q. However I guess there was no label on the bottle, was there?

A. No.

20 Q. All right. Then, Mr. Johnson, did you -- just one other thing just to round it out --

THE COMMISSIONER: Had you used the bottle with the label on it not to be used in 28 days? Did you ever use that yourself?

THE WITNESS: Yes, yes, sir.

25

MR. ARMSTRONG:

Q. All right. That's when what, when you would go to Charlie Francis' apartment sometimes you would take it with you?

5

A. Yes.

Q. And I think you told us this morning that that might have been in the spring period in 1988 when you were on a cycle of the white stuff?

A. Yes.

10

Q. Okay. Then did you go down to an office down on Victoria Street in downtown Toronto in late August before you went off to Victoria to have some -- or to Vancouver to have some drug tests done?

A. Yes, sir.

15

Q. I'm sorry, I said drug tests. I meant blood tests done.

A. Yes.

Q. And who sent you there?

A. Jamie did.

20

Q. All right. And when you were down there, did you also have some kind of massage done with a machine, a diapulse machine?

A. Yes.

25

Q. And did Dr. Astaphan send you down there for that too?

A. Yes.

Q. And where did they put the diapulse machine, do you remember? What part of your body?

A. Right here.

5 Q. You're pointing to sort of your stomach area, to the gut area, right?

A. Yes.

Q. All right. And did you understand or did anybody tell you what the diapulse machine was for at that time? Were you told, for example, that if you got this diapulse machine applied to your gut area or your liver area, that it would maybe clear your system or help clear your system?

A. No.

15 Q. No.

THE COMMISSIONER: Had you had it before?

THE WITNESS: Never. The first time.

THE COMMISSIONER: That was the first time?

THE WITNESS: Yes.

20 THE COMMISSIONER: That was when, near the end of August?

THE WITNESS: I was the last one to go in there, yes.

25 MR. ARMSTRONG:

Q. You were the last one of the group of
Mark McKoy, Desai Williams, Angella Issajenko?

A. Yes, because Charlie keep on asking me
if I go there and I said no. He said I had to get in
5 there, and I told him I'm busy because I'm trying to get
my vitamins at Dixie and Dundas to get myself ready for
Seoul. I got all my gears up and so I went in there at
the last day and had it done.

Q. Now before you left Toronto for
10 Vancouver and on to Japan and then Seoul, did Dr. Astaphan
ever give you a prescription to go to the drugstore and
get some drugs?

A. No, because I bring my own.

Q. I'm sorry?

A. I bring my own.

Q. All right. And when you -- you went
from Toronto to Vancouver and then left from Vancouver and
went off to Japan. Did Dr. Astaphan give you any pills or
any drugs in Japan?

A. Well, in Tokyo when I was --

THE COMMISSIONER: I thought they gave him
pills in Toronto before they went to Japan. Twice is the
evidence so far. Are you talking about diuretics?

Q. Yes. Did he give you any pills in
Toronto before you left for Vancouver?

A. Yes.

Q. Yes?

5

A. Yes.

Q. And did he tell what he is giving you
the pills for?

A. No.

10

Q. And what about when you were in Tokyo?
Did he give you any pills there?

15

A. In Tokyo, I was receiving all coloured
pills. I was going to the washroom six, seven times a
day. I asked Mark, I'm going to the washroom, like, six,
seven times day and if he feels the same way too and Mark
said yes. I asked Jamie that I am going to the washroom
six, seven times a day and he told me that it's nothing.
It's just from the pills that he was giving me.

20

Q. He said it's nothing, it was just from
the pills he was giving you?

A. Yes.

Q. When did that conversation take place?

Where were you?

A. I was in Narita, near the Tokyo airport
in Narita.

25

Q. And did he tell you that the pills he

was giving you were being used to sort of wash out or clean out your system?

A. Yes.

Q. And did he suggest to you what they 5 were to clean out -- did he say they were to clean out the steroids or clean out the drugs out of your system?

A. No, he didn't say that.

Q. Just clean out your system?

A. Also when I was training in Tokyo, I 10 got a shot of cortisone in my knee because my tendon was hurting pretty bad and I couldn't run. I couldn't warm up. I didn't train for about three, four days from the tendon.

Q. All right. Now I'm going to take you 15 on to Seoul now, and when you were in Seoul and just prior to running the 100 metres on the Saturday, the semifinals and then the finals on Saturday, September 24th, did you receive a bottle of vinegar and honey? Do you remember that?

A. Yes, I did.

Q. Who gave you that?

A. Well, the day of the race in Seoul, I 25 was in the area where they call all the athletes in, and Desai came up to me with a water bottle and asked me that Jamie said I must drink this vinegar and honey.

THE COMMISSIONER: Right after the race?

THE WITNESS: Before the race.

THE COMMISSIONER: Before the race?

THE WITNESS: Yes.

5

MR. ARMSTRONG:

Q. All right, and this was in what, the room where you get together, all the runners before you go out to the track to start the race?

10

A. Yes, sir.

Q. And is that right before the 100 metre semi or the 100 metre final?

A. I think it's the 100 metre final.

15

Q. All right. And Desai Williams gave it to you and told you to drink it before the race?

A. Yes.

Q. And did you understand what that was for?

A. No, I didn't drink it.

20

Q. I see. Desai Williams didn't say look, Jamie thinks you should take this to clear any of the drugs or steroids out of your system or anything like that?

A. No.

25

Q. All right. While you were in both

Tokyo and Seoul prior to the 100 metres race, did Dr. Astaphan give you any shots of vitamin B12 and inosine?

A. Yes, sir.

5 Q. You got those on a regular basis, did

you?

A. Yes.

Q. And prior to the 100 metres final on September the 24th, did he or anybody else ever give you any of the pink Winstrol pills?

10 A. No.

Q. All right. And I take it on your evidence, as we have it, during 1988, you never took any of those pink Winstrol pills at all, is that right?

A. No, never.

15 Q. Than after the race, Mr. Johnson, in the 100 metre final, we've heard a lot of evidence about what went on in the doping control room, and I'm not going to go through all of that evidence with you, but I simply want to ask you this, and that is that apparently there 20 was in the doping control room after the 100 metres final a stranger or somebody whom you didn't know, but you have no information or evidence that that person did anything improper to you or anyone else; is that right?

A. Yes, sir.

25 Q. All right. Now in Seoul on the Monday

morning after 100 metre race, we've heard that Dr. Astaphan went to your room about 8:30 in the morning and told you that unfortunately he had some news that you had tested positively; is that so?

5

A. That's right.

Q. And he has testified that he asked you if you had taken anything he was not aware of and you told him no?

A. No.

10

Q. And that's correct, is it?

A. Yes, sir.

15

Q. And when the medal was ultimately taken away later that night or the early hours of that morning, Dr. Astaphan apparently asked you whether you had taken any pink pills, and did he ask you that question?

20

A. Yes, he did. You know, it's very hard to say because he is my doctor and he is giving me all these pills from since in St. Kitts up until Seoul and asking me if go out there and taking the pills from nobody which doesn't make sense to me.

Q. All right. And I take it then you told him you didn't take any pink pills?

A. No.

25

Q. All right. Then Dr. Astaphan has also testified that in the early hours of that Tuesday morning

or the Monday night going into the early hours of the morning after Mrs. Letheren and Dr. Stanish had come to your room and given you the bad news, that after they left, that there was a discussion between you, Dr.

5 Astaphan, Charlie Francis and Larry Heidebrecht in your room as to what you were going to do next, and did such a discussion take place?

A. Yes, sir.

10 Q. Now Dr. Astaphan has said in his evidence that at that point there was a decision made to cover up and protect you, cover up in the sense that there would be nothing said about drugs and that you would be gotten out of the country as quickly as possible. Do you remember a discussion like that?

15 A. Well, apparently, yes, I was under a lot of pressure at the time plus my mother was there, my sister was there so I tell them that I want to leave first thing in the morning because I know a lot of things is going to be happening. I don't want my family to get hurt, so then I came to that type of situation so I say I want to get them out of there quickly before anyone got hurt or something.

20 Q. All right. Now was there any decision made about what you would say when you got back to Canada or indeed wherever you went if people asked you if you had

taken steroids or indeed taken this drug that was found in your system, stanozolol?

5

A. Well, Charlie said I should go back to Canada and try to clear my name or find some lawyer and don't tell anybody I was taking drugs until I find myself a lawyer.

10

Q. And in fairness to your lawyer, you did find a lawyer and it was a good long time before you ever told your lawyer that you took any drugs, is that not so?

A. Yes.

15

Q. And in fact originally you clearly told your lawyer, as you told everybody else, that you hadn't taken drugs?

A. Yes, sir.

20

Q. All right. And there is one other thing that I wanted to ask you about Seoul, that you eventually -- you originally went and stayed in a place called Family Town, but then we heard that it wasn't a particularly good place for you to stay because the food wasn't great and you were bothered and it was difficult training for you. You moved to the Hilton Hotel; is that correct?

A. Yes, sir.

25

Q. And who moved there with you?

A. Well, at first I got my room there

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first and I tried to set up some room for Jamie and his wife, my mom and sisters and Larry Heidebrecht and his wife. Jamie got upset because I left him over there by himself and asked me what I'm doing over by the Hilton. I told him I'm trying to arrange some rooms there because I know the guy who owns the hotel and I was there early in the year for the Canadian week.

10

Q. You had been there in March, I think we heard on the evidence, in Seoul for a Canada Week celebration and you had gone with some other Canadians for the Canada Week celebration through the Canadian embassy, is that so?

A. Yes, sir.

15

Q. And that's when you got to meet the person who ran the Hilton Hotel?

A. Yes, sir.

Q. All right. And what you are saying is that Dr. Astaphan originally was upset with the idea that maybe he was going to be left at Family Town?

20

A. Yes, saying he wants to go home, he wants to -- he doesn't want to be a part of me anymore because I left him there. So I told Jamie look, it's just a matter of time. I'm trying to get some rooms there because everybody was there for the Olympic Games and all the rooms are booked up. The guy who owns the hotel did a

25

very good job for me trying to get some rooms right away.

Q. All right. And so you got -- I'm sorry, you were going to say something else and I interrupted you.

5 A. Well, the guy found us some rooms right away and I told Jamie that I got some room for his wife, my sister, my mom and Larry's wife, and I told him about it and he comes back normal like a nice guy and he comes back, and we went over by the hotel and I give the guy some money. I gave the guy \$3,000 U.S. dollars and I give him my visa card.

10 Q. All right, and did you pick up the tab for not only yourself and your mom and sister, but also for Larry Heidebrecht and his wife and Dr. Astaphan and his wife?

15 A. I pick up the tab for meals too.

Q. You picked up the tab at the hotel for everybody?

A. Yes, sir.

20 Q. What was your total visa charge?

A. \$27,000.

Q. \$27,000. Then finally, Mr. Johnson, when you got back to Canada, you came back I believe on that Tuesday and you left I guess Korea on Tuesday, and by 25 the time you got back to Canada, it was still Tuesday, and

then on Friday, September the 30th, I believe you had a meeting out at the farm of Mr. Kamil Azan's, is that not so?

A. Yes, sir.

5

Q. And out there at that meeting on Friday, September the 30th, was Mr. Azan and Ms. Kay Baxter, the Jamaican consul general?

A. Yes, sir.

Q. And Mr. Futerman was there?

10

A. Yes, sir.

Q. And as well your mother and one of your sisters was there?

A. My mom was there.

Q. Your mom was there?

15

A. Yes.

Q. And then in addition to that group was also Mr. Paul Godfrey, the publisher of the Toronto Sun, and Mr. George Gross, the corporate sports editor of the Toronto Sun?

20

A. Yes, sir.

Q. And when you were at that meeting on Friday, September the 30th, you signed a written statement that was published the next day, the next day being Saturday, October the 1st, in the Toronto Sun?

25

A. Yes.

Q. And I just wanted to read it, parts of it to you. You said on this written statement that was published on October the 1st in the Toronto Sun that:

5 "I want to state clearly now that I never knowingly taken" -- "that I have never knowingly taken illegal drugs nor have had illegal drugs administered to me."

And then further on you say:

10 "I am well aware that every Olympic medalist is tested, and as you are all aware, I wasn't going to Seoul to lose. I fully expected to win a gold medal and I fully expected to be tested. There can be no possible reason under those circumstances 15 that I would have taken an illegal drug. If indeed it was my urine sample that was tested, then I invite a full investigation by the appropriate authorities to find out how all this happened. I am innocent and I 20 welcome the opportunity of proving it."

Now I just want to confirm that, of course, that is -- I haven't read every paragraph, but I've read the main parts of it. That is a statement that you made at that time and you signed?

25

A. Yes, sir.

Q. And was published to the Canadian people?

A. Yes, sir.

Q. And then also out at the farm that day, 5 you were interviewed by Mr. George Gross who gave a lengthy interview in which the very first part of the interview that was reported you say, "I'm innocent. I never took any banned substances." And that's what you told Mr. Gross; is that right?

A. Yes, sir.

Q. All right. Now of course when you said in your statement that "I have never knowingly taken illegal drugs nor have had illegal drugs administered to me" and when you said in the interview with Mr. Gross 15 that, "I never took any banned substances," those statements were not true?

A. No, sir.

Q. And, Mr. Johnson, of course it's my duty and I must ask you why did you not tell the truth 20 back on September the 30th, 1988?

A. Because I lied and I was ashamed for my family and friends, kids who look up at me as a Canadian athlete, who wants to be in my position. So I was just in a mess.

Q. What you said is that you were ashamed 25

for your family and ashamed for other Canadian athletes and the kids who would look up to you in your position?

A. Yes.

Q. And you just didn't want to tell them
5 what the truth was; is that right?

A. Yes.

Q. And do you now want to make that up to your family and to those people who look up to you?

10 A. Well, if I get the chance to compete again, I want to say that drugs don't make you run faster. I could run without drugs. I could beat anyone in the world if I get a chance to run again.

Q. And are you now firmly opposed to the use of steroids or any banned substances?

15 A. Yes, sir.

Q. And I take it from what you have just said that you are prepared to tell the young people of this country and indeed the world that they should not take steroids or any banned substances?

20 A. Yes, sir.

Q. And I take it from what you have also said that you wish to run again, do you?

A. I'll be back.

Q. And do you wish to compete in the 1992
25 Olympics?

A. Yes, sir.

Q. And if you're given the chance to run again, what country do you wish to run for?

A. I want to represent my own country,
5 Canada.

Q. And do you believe that you can be the fastest man in the world without taking steroids?

A. I know I can be.

Q. Those are all the questions I have, Mr.
10 Commissioner. Thank you very much, Mr. Johnson.

THE COMMISSIONER: Mr. Futterman.

MR. FUTERMAN: Thank you, sir.

THE COMMISSIONER: I needn't remind you this is your client.

15 MR. FUTERMAN: Yes.

THE COMMISSIONER: And you're to cover at this stage just matters Mr. Armstrong has not covered.

MR. FUTERMAN: I'm sorry, sir?

20 THE COMMISSIONER: I said at this stage you're to cover matters which Mr. Armstrong has not covered, just to clarify.

--- EXAMINATION BY MR. FUTERMAN:

Q. Thank you, Mr. Commissioner. Ben,
25 after you found out that you were taking steroids, do you

blame anyone but yourself for continuing to take steroids?

A. No.

Q. Ben, how do you feel about the Canadian people?

5 A. I feel pretty good. There is a lot of people behind me.

Q. Have they shown their support for you, Ben?

10 A. Yes, I've got a lot of fans all over

the world, mail by kids.

Q. I understand that looking at your mail, that you have received several boxes of mail of support from the Canadian people, and also you've received the support from, at last count, about 40 countries around the world; is that correct, Ben?

A. Yes, sir.

Q. And is it fair to say that most of these letters of support have come from young people, from kids; is that correct?

20 A. Yes.

Q. And Ben, have you and your family tried to answer each one of these letters?

25 A. My biggest sister, she has signed over 1500 posters to mail out from all different parts of the world.

Q. In fact, Ben, I understand that two or three youngsters in fact send their own gold medals to you; is that correct, Ben?

A. Yes, sir.

5 Q. And if you're given the chance to run again, besides the running and training, what else do you want to do with these kids? Have you thought about that, Ben?

10 A. Well, to tell them that be honest, don't take drugs. It happened to me. I have been there and I know what it's like to cheat. I got four nephews. Maybe one day they might be in track and field and I want them not to take drugs, so I'll try to. If anybody wants to give any kid drugs, they should tell their parents and 15 their families.

Q. Ben, if you're given the opportunity, would you be prepared to visit with these young people and tell that message personally to them?

A. Yes.

20 Q. Ben, how do you feel about this inquiry?

A. Well, I think it's a good idea that we try to come clean, trying to tell the world that we can run in the same level. Hopefully all the country will come together and agree and compete as fair.

5

MR. FUTERMAN: Thank you, Ben, those are my questions.

THE COMMISSIONER: Thank you.

MR. FUTERMAN: Thank you, sir.

10

THE COMMISSIONER: All right. I think we will adjourn now until two o'clock.

--- Luncheon recess.

--- Upon resuming.

15

THE COMMISSIONER: Thank you. Mr. Johnson. Mr. Bourque, do you have some questions?

MR. BOURQUE: Just a very few, Mr. Commissioner.

20

--- EXAMINATION BY MR. BOURQUE:

Q. Mr. Johnson, my name is Roger Bourque. I represent the Canadian Track and Field Association.

25

You mentioned in your evidence earlier that you had been weight training for quite some years now and this was a kind of training that Mr. Francis had set you

upon; is that correct?

5 A. Well, apparently, I will do my own type of weight training. I was the one who assumed that I should be able to do weights in 1980. And as time goes on, he normally comes in and tells me that I am doing too many weights because I am not running like fast in practice because I was too tight from lifting weights, my muscles are getting very tired.

10 Q. But it is true, I take it, that through the 1980's you did engage in weight training?

A. Yes.

Q. To assist you in your competition?

A. Yes.

15 Q. Now, was that not true in fact of all of Charlie's group?

A. Yes.

Q. And in fact was it not a hallmark of sorts of Mr. Francis' group the fact that it worked extensively with weights?

20 A. Yes, sir.

Q. And in fact was it also not characteristic of Charlie's group to appear bulkier than other athletes?

A. Yes, sir.

25 Q. In the same events?

A. Yes, sir.

Q. And that applies not only to other athletes in Canada, but around the world; is that not correct?

5

A. Yes, sir.

Q. Now, I want to cover with you briefly the history of your being tested for banned substances. And first of all on the Canadian scene, it is my information that you were tested for banned substances in 10 August 1985 at the nationals?

10

A. Yes, sir.

Q. And again in February of 1986 at the Canadian indoor championships in Edmonton where you had set a world record in the 60 meters; is that correct?

15

A. Yes, sir.

Q. And subsequent to that, you were tested again on January 31, 1987, at the Ottawa winter nationals where you set a world record in the 50 meters?

A. Yes, sir.

20

Q. And then three weeks later, I understand you were tested at the Canadian indoor championships in Edmonton where you set a world record in the 60 meters?

A. Yes, sir.

25

Q. Then I understand that in August 1987

at the Canadian nationals in Ottawa, you were selected in the draw to be tested for banned substances again; is that correct?

A. Yes, sir.

5 Q. And then finally in Canada on January 22, 1988, you were tested at the Ottawa winter nationals again; is that correct?

A. Yes, sir.

10 Q. Now, internationally, it is my understanding that you were tested at the Osaka meet in January 1987 after you set the world record in the 60 meters there?

A. Yes, sir.

15 Q. And again later in the indoor season you were tested in Rome at the 1987 world indoor championships where you established a record in the 60 meters; is that correct?

A. Yes.

20 Q. And then subsequently in Rome after setting the record for the 100 meters at the 1987 world championships you were again tested?

A. Yes.

25 Q. Can I ask you, sir, in the five years leading up to the Seoul Olympics are you aware of any sprinter who has submitted to more tests for banned

substances than yourself?

A. No.

MR. BOURQUE: No further questions.

THE COMMISSIONER: Thank you. Mr.

5 McMurtry.

--- EXAMINATION BY MR. McMURTRY:

Q. Mr. Johnson, I represent Mr. Charlie Francis. I have a few questions that I would like to ask
10 you.

Now, Charlie as you have told us was your coach since 1977?

A. Yes, sir.

Q. And I suggest to you that from that period very early on in your association he indicated that he was very interested in you as a human being as well as an athlete?

A. Yes, sir.

Q. And when things were a little difficult for you as you have told us early in your career, it was Charlie who urged you to keep working at it because you obviously had some talent?

A. Yes.

Q. We have heard evidence about Charlie's dedication to his athletes generally, helping them out
25

with providing them with food on occasion?

A. Yes, sir.

Q. And providing rooms for them when they
needed some place to live?

5

A. Yes, sir.

Q. And indeed working full time as an
unpaid coach for several years?

A. Yes.

10 Q. Were you aware of the fact that Charlie
made inquiries about your education to see that you were

getting the best educational opportunities?

A. No.

Q. He didn't tell you that?

A. No.

15 Q. All right. But is it fair to say that
Mr. Charlie Francis always satisfied you or for the most
part that he had your best interests at heart?

A. Yes.

Q. And he was a coach that you clearly
20 respected?

A. Yes.

Q. And do respect now?

A. Yes.

25 Q. And at the same time, Charlie respected
not only your ability as an athlete, but respected you --

respected your ability to make decisions with respect to your own training from time to time?

5

A. Well, time to time, yes, he would come to me and ask me if I wanted to do this type of workout or 200 meter or 300 meter. And I say, no, Charlie that's too far, I want to go shorter stuff like 120 or 150 or 80 meters.

10

Q. Yes. And I think it was in 1982 that you persuaded or convinced Charlie that you shouldn't run beyond 200 meters, that it was not good for your training?

15

A. Well, as far was hurting, yes.

Q. I beg your pardon?

A. It was hurting.

Q. Yes. And he accepted that?

A. Yes.

Q. And that you told us yesterday that you thought some of the training was a waste of time for you such as bounding and hopping?

A. Yes.

20

Q. That Angella did?

A. Yes.

Q. And Charlie accepted your opinion as to what was your best training methods in that respect?

25

A. Well, because I know my body and I know how my body functions. So, I like to run fast, and yes, I

told him that.

Q. Yes. As a matter of fact about knowing your body and your body functions, Charlie told us that you had a very good knowledge of your body?

5

A. Yes.

Q. And that you were very interested in your diet and your body generally?

10

A. Well, normally I wouldn't say I was interested in my diet and stuff, but occasionally for training very hard, you know, so you eat a lot so, you know, you normally wouldn't like check for your diet because you always keep on training. So you always normally on the same level of 175 pounds.

15

Q. Yes. I was interested when you told, for example, with respect to your body you told us that you, during your training, you would burn up to 6,000 calories a day?

20

A. Yes, that's what Charlie told me, yes.

Q. I see. And Charlie also told us in evidence that you would take vitamins in cycles rather than continuously because you felt -- because you felt that you responded to them better by rotating them than taking them continuously?

25

A. Well, time to time Charlie would ask me if I am taking my vitamins. Sometimes I would complain to

5

him that I am not feeling too good, tired, not enough rest. He would come to me and ask me that if I have the money to pay for my vitamins and he would normally write out a few vitamins to take and I will -- he will sometimes give me the money to go and buy some.

Q. He would give you the money to buy the vitamins?

A. Yes.

Q. But he told us that you decided it was better to take your vitamins in cycles rather than continuously?

A. No.

Q. I see. This wasn't your decision?

A. No.

15 Q. Now, you told us that you recall the visit to Dr. Koch?

A. Yes.

Q. Which took place in the summer or fall of 1981?

20 A. Yes.

Q. And, of course, that's almost eight years ago?

A. Yes.

25 Q. Charlie's evidence was that in your presence he did discuss with Dr. Koch the use of steroids.

I think you told us that you recall that the word Dianabol was used on that occasion?

5

A. I never heard that word since that time because I just finished high school in 1981, so I was new to the type of level of international track and field at that time.

Q. Yes?

A. So, Dr. Koch never told me about any side effects.

10

Q. Well, Mr. Francis said there was a discussion about whether or not there would be side effects. And are you able to remember whether or not that discussion took place?

A. Maybe, but I don't remember.

15

Q. It could have, but you don't remember?

A. No.

20

Q. And Charlie also told us that after the meeting with Dr. Koch insofar as the use of any steroids that I think his words that he used were "Ben went back and wanted to think about it".

A. Well, I said I wanted to think about it but I never give him an answer.

Q. I am sorry?

25

A. I said I want to think about it, but I never give him an answer.

Q. You wanted to think about it but you didn't give him an answer?

A. Yes.

Q. When did you first hear anybody talking 5 about banned drugs, do you remember?

A. '82-'83.

Q. '82-'83. When did you first learn that tests were being made or were being taken with respect to banned drugs?

10 A. '82.

Q. '82?

A. Yes.

Q. Now, Mr. Johnson, you told us about a phone call from Osaka in Japan, if I may jump ahead a 15 little bit, in January of 1987 when you set a world record?

A. Yes.

Q. And having set a world record would you not expect to be tested?

20 A. Yes.

Q. And so Charlie -- so would you not be interested in discussing with Charlie the results of the test?

25 A. No, because time to time when I get tested in meets, the meets would be during the daytime in

5 Toyko normally it would be like two o'clock in the morning. So, Charlie would want to know what happened at the time when I run. So, I call him up and phone him that I was happy to set the world record the first time I did in 1986. And I called him up, and I told I set a world record and he was pleased. And he asked me if they was going to be any testing at the meet. And I said yes.

10 Q. Yes. So, you knew there would be testing?

A. Yes.

Q. And you weren't concerned about clearance times or --

15 A. No, because at the time there is two officials there was present when I make the phone call.

Q. Yes, I see. Now, you have told us, Mr. Johnson, about the episode with your swollen breast where you noticed it before you went to see Dr. Sussman?

A. Yes.

20 Q. And Dr. Sussman told us that he reviewed it with you or three or four times with respect to whether or not you were on a steroid program?

A. Yes.

25 Q. And when Dr. Sussman suggested to you that it could have been as a result of steroids, did you take any precautions as a result of learning that?

5

A. No. Because after my Mom put certain things on it, and the swelling goes down, I didn't pay attention. I went to see my doctor, and he told me about some of the side effects were, but I didn't pay too much attention because the swelling was going down at the time.

Q. So, once the swelling went down you ceased to be concerned about it?

A. Well, after it goes down, then I didn't really concern about it any more.

10

Q. Now, Mr. Johnson, we have heard quite a bit of evidence about your dispute with Charlie over whether or not you would go to St. Kitts or Europe, and the falling out or disagreement that you had.

A. Yes, sir.

15

Q. And you had been -- you had sought the advice of an orthopedic surgeon in Toyko?

A. Yes, sir.

Q. And he had given you certain recommendations?

20

A. Yes.

Q. And Charlie was clearly very anxious that you go to Europe because Waldemar would be present to massage you three times a day?

A. Yes, sir.

25

Q. And your recollection is that Charlie

said that he wasn't going to be your coach any longer?

A. Yes, sir.

Q. And I suggest to you what he did say
was that if you were not going to go to Europe and be
5 treated by Waldemar that he could not be responsible for
your results?

A. Well, he told me that if I am not
coming to Europe, then I am going to be on my own because
there is nobody here that is going to look after me and I
10 am going to be on my own and wouldn't have him to coach me
any more. That's what he told me.

Q. He told you that he couldn't be
responsible for you if you were not going to go to Europe?

A. Maybe.

15 Q. And with respect to this argument that
you had about whether you should go to Europe or St.
Kitts, Charlie told us he actually went to the airport at
Malaga, is that how you pronounce it?

THE COMMISSIONER: Malaga.

20 THE WITNESS: Malaga.

MR. McMURTRY:

Q. Malaga, thank you, twice to wait for
you?

25 A. I don't remember.

Q. That I guess it was Jamie Astaphan had said that you were going to be flying to Europe, but you weren't aware of that?

A. No.

5 Q. That Charlie had gone to the airport twice?

A. No, I can't recall.

Q. In any event, you decided to accept the opinion of the orthopedic surgeon in Toyko?

10 A. Yes.

Q. And that was your decision?

A. No, it wasn't mine.

Q. I beg your pardon?

A. No.

15 Q. Whose decision was that?

A. Well, Charlie -- there is a Japanese guy in Toyko was doing some business with us. And Larry and Charlie asked him if he knows any doctor in Toyko who could look after my leg -- or take a look at my leg and see what the problem were.

20 We went to the doctor's office and the doctor look at me and my leg and told -- push almost his finger down in my hamstring because it was a big hole that was there.

25 Q. Yes?

5 A. And I told Charlie and myself that the muscles is almost tear off the bone. Charlie -- I was on the bench, sitting on the bench, and Charlie and the doctor and Larry went in the room. And I heard them talking about some growth hormone I should like receive to help heal up the tendon.

After that I went in there and see what was going on. I was just there listening what discussion were and nothing really comes up important that -- that, so.

10 Q. Well, I understand from what you have said then, Mr. Johnson, that it was -- at least it was your decision to accept the opinion of the orthopedic surgeon in Japan?

A. Yes.

15 Q. And go to St. Kitts rather than accept Charlie's advice to go to Europe?

20 A. Well, apparently when we went back to the hotel, Charlie phoned Jamie in St. Kitts and, you know, that I got hurt. And Jamie said, well, I should come down and relax and he would take care of me down there.

Q. Now, who was with you in Japan?

25 A. Larry Heidebrecht and coach Charlie and this other Japanese guy was doing some business with us over there.

Q. Now, if I might just go to the summer of 1988 before the Olympic Games at Seoul. We have heard and you have described how you came third in Zurich and Cologne?

5

A. Yes, sir.

Q. And then decided to duck the Berlin meet?

A. Yes.

Q. Because you had had enough at that time?

10

A. Yes.

Q. But notwithstanding these, what some of your fans would have described as disappointing finishes in Cologne and Zurich, you were quite confident, I think you told us this morning, that you would be well prepared for Seoul?

15

A. Yes.

Q. That you would do well?

A. Yes.

20

Q. And we heard some evidence earlier about again how you concerned a number of your admirers when you finished third in the quarter finals at Seoul?

25

A. Well, in Seoul when I finished third, because I did it on purpose because I didn't want to run as fast at that time. I want to keep it until the final.

Q. Yes?

A. So, when I finished third and then I look on the winning time was 10.14, and I was finished third so I know that I was right there. I know I was about 10.16 to 10.18.

When I went back in the warm up track, Charlie asked me "What do I think I am doing, are you crazy?" I said "There is only one heat left and I don't think the Eastern Bloc like Kenyans could have run that fast to beat my time to qualify for the second round."

So, I told Charlie for the second round things would be different, I will make sure that I came in first in that one.

Q. Well, I gather you told Charlie that you deliberately shut down at about 80 meters?

A. Yes, I did, yes.

Q. Because you knew that you were running under 10.20 at that point?

A. Well, I said I went under 10.20 I will say that I know that I will be in the top three to qualify. I know that if I finished second or third, my time would be fast enough to go to the second round.

Q. So, at 80 meters when you shut down, you knew you would still have a time that would be better than any of the competitors in the last --

A. Yes.

Q. -- in last lap?

A. Yes, the last heat.

Q. The heat, I mean?

5

A. Yes.

MR. McMURTRY: Yes. All right. Those are
all the questions I have. Thank you very much, Mr.
Johnson.

10

THE COMMISSIONER: Thank you, Mr. McMurtry.

MR. McMURTRY: All the very best to you.

THE WITNESS: Thank you.

THE COMMISSIONER: Mr. Sookram.

--- EXAMINATION BY MR. SOOKRAM:

15

Q. Mr. Johnson, my name is David Sookram.
I represent the interests of Dr. Astaphan.

A. Yes, sir.

Q. Mr. Johnson, yesterday afternoon after
I left here, I hadn't quite sat in my office for an hour
20 before the phone rang --

MR. FUTERMAN: I don't think this is
necessary, Mr. Commissioner.

THE COMMISSIONER: Just a moment now. Is
this going to be a question?

25

MR. SOOKRAM: Yes, there will be a

question.

THE COMMISSIONER: Fine, put the question first then you can tell us the circumstances later.

5 MR. SOOKRAM: Normally, sir, I would bow to your direction in this matter, but I think the preamble is necessary.

THE COMMISSIONER: Well, preambles aren't very helpful, but just carry on and we will see where we are going.

10

MR. SOOKRAM:

Q. Mr. Johnson, I got a phone call from Dr. Astaphan, and he was inquiring how difficult it appeared to me when you accepted that you had been taking steroids, he wanted to know whether you were tearful or whether you looked sort of lost, whether you were brave --

15

THE COMMISSIONER: Please ask the question, Mr. Sookram.

20

MR. SOOKRAM:

Q. He was very concerned about you, Mr. Johnson. Would you accept that as his normal way of thinking about you?

A. Yes.

25

Q. He was always careful about you, was he

not?

A. It's very hard to say.

Q. It's very hard to say?

A. Yes.

5 Q. Mr. Johnson, when this tremendous pressure was being put upon you with your torn hamstring to lug, as you put it, your suitcase all over Europe, a number of people were bringing this pressure on you, but Dr. Astaphan always sided with you, agreed that you ought to be resting; is that right?

10 A. Yes, sir.

Q. Would you say that he had at that time shown tremendous care for your well-being?

A. At the time, yes.

15 Q. Yes. You told us that it was your decision to go down to St. Kitts; do you remember telling us that?

A. Well, it wasn't my decision. When Charlie phoned Jamie in Toyko --

20 THE COMMISSIONER: On what occasion, now, he's been to St. Kitts --

MR. SOOKRAM: On the first occasion, sir.

THE COMMISSIONER: All right,

MR. SOOKRAM: Thank you very much, sir.

25 THE WITNESS: When Charlie phoned Jamie

in Toyko and told Jamie that I got hurt, then Jamie said to Charlie then Ben should come down to St. Kitts.

MR. SOOKRAM:

5 Q. Yes. The first time when you went to St. Kitts when Dr. Astaphan wasn't there, the first time when you were injured sometime in February in 1988?

A. Yes.

10 Q. Do you remember telling us it was your own decision to go to St. Kitts?

A. In January?

Q. Yes?

A. Of -- I can't remember.

15 Q. I don't think much turns upon it. I think it's on record, sir, that you said that --

THE COMMISSIONER: What was the date you are speaking of? It might help the witness to identify the date, Mr. Sookram.

20 MR. SOOKRAM: Yes. Maybe you were talking about your injury in Toyko, and you said that there were very big commitments --

THE COMMISSIONER: In Europe.

MR. SOOKRAM:

25 Q. -- in Europe, and that the pressure was

on you to keep going. And you wanted to recover, you didn't want to train, and it was my decision, these were the words you used, "it was my decision to go to St. Kitts". And that was in answer to Mr. Armstrong?

5

A. Yes, sir.

THE COMMISSIONER: The pressure was for you to go to Europe and you decided to go to St. Kitts?

THE WITNESS: Yes, sir.

10

MR. SOOKRAM:

Q. And you were injured and the only person who agreed with you at that time was Dr. Astaphan,, was it not?

A. Yes, sir.

15

MR. FUTERMAN: Well, there might have been other people.

THE COMMISSIONER: Well, the ones we have heard about.

MR. FUTERMAN: Yes. Thank you.

20

MR. SOOKRAM: No, I didn't mean to exclude his family. I was talking about the pressure in Europe.

THE COMMISSIONER: Well, his mother wanted --

MR. SOOKRAM: Among your team.

25

THE COMMISSIONER: Well, his mother wanted

him to rest, too.

MR. SOOKRAM: Yes.

MR. SOOKRAM:

5 Q. And so I take it when you made that statement that they were interested in making money --

THE COMMISSIONER: Yes, he did say that.

MR. SOOKRAM:

10 Q. -- nobody bothered to tell me what the side effects were. I am going to come to that a bit later on talking about steroids, because they were happy to be making all this money. And Dr. Astaphan wasn't going to share in all that money that you were going to get from 15 those promotions in Europe in May, was he?

A. Yes.

Q. He wasn't part of the team at that time?

A. Yes.

20 Q. But Dr. Astaphan did not join you until after he had got his -- he had joined you before he got his contract, but his commitment with you was in connection with his contract, is that not right?

A. Yes.

25 Q. Yes. So, he wasn't going to share --

get a proportion of what you earned in Europe there? He was going to get his \$10,000.00 a month; is that not right?

A. Well --

5 THE COMMISSIONER: Well, the contract was entered later, Mr. Sookram.

MR. SOOKRAM: Yes, I appreciate that, sir.

THE COMMISSIONER: Quite a bit later.

10 MR. SOOKRAM:

Q. Now, let me take you back one step, Mr. Johnson. You first saw Dr. Astaphan in 1983 or early '84; is that right?

A. Yes, sir.

15 Q. And from that time, he provided from time to time steroids, drugs --

A. Yes.

Q. -- for you. Did he ever ask you for payment for those --

20 A. No.

Q. -- treatments?

A. No.

Q. And that was from '84 right on to the time he left the country. Then when he left the country, 25 the very first visit that your team -- the Mazda team

made, including yourself, to St. Kitts?

A. Yes.

Q. All those bills were picked up by Dr. Astaphan; is that not right?

5

A. I guess so.

Q. So, he wasn't the person you were referring to when you said they were all interested in making money?

10

A. Well, Charlie and the doctor, when Charlie got his drugs from Jamie --

Q. Yes?

A. -- Jamie would normally want money from Charlie.

Q. Yes, payment, yes, for the drugs?

15

A. At that time I wasn't making that kind of money in the early days.

Q. Yes?

A. To pay Jamie, so --

Q. So, you didn't pay?

20

A. No.

Q. No. So, he wasn't making money from you. Dr. Astaphan wasn't making money from you?

25

A. No, but he was getting also the fame up until a certain time, and, you know, trying to do the type of things.

5

Q. Yes, but Mr. Francis told us about those payments. He told us that he paid, perhaps you weren't here, but you must have seen perhaps -- did you not see it on the television when Mr. Francis was testifying that he always checked up to see how much he owed Dr. Astaphan what the drugs cost and he paid it?

10

A. Well, I see Charlie testimony some days, but not all the time.

15

Q. He told us that Dr. Astaphan never charged him more than he got -- more than Dr. Astaphan actually paid?

A. I wouldn't know that, sir.

20

Q. No. But what I am getting at here, sir, is that this statement that you made that they were happy to be making all this money, which seems to indicate that people were benefiting by your expertise in the track and your fast running, that some people perhaps were not -- were making a lot of money, but not all the people around you?

25

A. Well, also, you know, there is -- yes, but all this small group like France Gareau, Katie Anderson, Cheryl Thibedeau, those persons not on world level.

Q. Yes.

25

A. And we travel as a package.

Q. I appreciate, sir.

A. So we go on track meets, normally the girls they would get no money at all because they are not in the top 15 in the world.

5

Q. Yes.

10

A. And we say that if Charlie's -- I mean if you go to certain meets, then all of us should get money. Some of the girls was getting like \$300. I remember when I was first running and competing in Europe in 1981, I was receiving 100 bucks a race.

Q. \$100?

A. Yes, at the time. These girls are complaining that \$300 is not enough.

15

Q. So, they got money out of -- some of their expenses were met out of the money you earned?

A. No, some of the -- all the money -- all the group go to meets got paid by the meet promoters.

Q. Yes.

20

A. Normally everybody would get their own share and their own prize, some of the girls thought they should get \$500 a meet, some were getting \$300 and some were complaining. And sometimes kind of upset me because I am here trying to help them trying to make some money and they want more at the time and they are not as good as they are.

25

Q. When you didn't turn up at these meets that were prearranged for you, would they still be required -- would they still get payment if they went without you?

5

10

15

20

25

A. Well, they would get payments but less, and plus, they wouldn't get the first class treatment if I was there.

5

Q. You mean the hotel accommodation and that sort of thing?

A. Yes.

Q. You would get better class hotels if you were just being there?

A. Yes, yes. All of us.

10

Q. The whole team?

A. Yes.

15

Q. So this is what you were talking about, that they were happy making money and they weren't very concerned about the pain and the agony you were suffering, lugging your your suitcase all over Europe with them?

A. Yes.

Q. And you preferred to go on a holiday?

A. Yes.

Q. Get a rest.

20

A. I needed it.

Q. Yes, and Dr. Astaphan agreed with you?

A. Yes.

Q. And your family agreed with it.

A. Yes.

25

Q. And you wanted it yourself?

A. Yes.

5

Q. So this money here that you're talking about, the last part of the money, did not involve Dr. Astaphan at all, did it? It couldn't have. You weren't referring to him?

A. I mistake the question.

10

Q. You said people were happy to be making money from you, and just now you explained that your team, the Mazda team with whom you went around or who followed you around or who were invited just because you were invited, they made money, they benefited directly, financially from your presence?

A. Yes.

15

Q. Dr. Astaphan was not with you in Europe during all the early years. He went after your contract?

A. Yes.

Q. So he didn't make the kind of money you're talking about here?

A. No.

20

Q. Now you told Mr. McMurtry that you first heard -- Mr. McMurtry was the gentleman who came before me -- that you first heard about banned drugs and about testing in 1982 or around 1983; is that right?

A. Yes, sir.

25

Q. When did you hear about side-effects of

drugs?

A. Nobody told me anything about any side-effects at all.

5 Q. No, I don't mean anybody personally telling you, sitting you down and saying Mr. Johnson, these are the side-effects. I'm not talking about that. I'm talking about what you would hear in the dressing rooms, at the track meets.

10 When did you first hear anything at all about side-effects of drugs?

A. Well, I heard about -- not side-effects of drugs, but a person who didn't know that they were going to be tested in meets, they found out at the last moment and they takes off. That was in 1983 in Venezuela 15 for the World Junior Championships.

Q. Yes, that was a big scandal in Caracas?

A. Yes.

20 Q. That is about testing, people being caught. I'm talking about the diseases that can result or the injuries or the skin rashes or the liver diseases that can result from taking drugs. When did you first hear about those?

A. Not until now.

25 Q. You never up to 1989 heard that taking steroids could lead to acne?

A. No.

Q. Never heard that taking steroids could lead to liver infection?

A. No, sir.

5

Q. Never, ever?

A. No, sir.

10

Q. Were you never present when members of the Mazda team were being spoken to by Mr. Francis, not that you participated in anything. I'm not suggesting that, but were you never sitting there when Mr. Francis was telling other athletes don't go out and buy drugs from anybody, save that which we supply here?

A. I wasn't around, no.

15

Q. Never around?

A. No.

Q. Have you ever heard Dr. Astaphan telling somebody don't take too much of that, it's not good for you?

A. No, I never heard that.

20

Q. No?

A. No, sir.

Q. You see, the doctor was very concerned when I told him your statement yesterday --

25

MR. FUTERMAN: I'm not interested in whether the doctor was concerned.

MR. SOOKRAM: I'm going to put a question to him.

THE COMMISSIONER: These are all his preambles for some reason. Let's get down the question.

5

MR. SOOKRAM:

Q. You said yesterday, sir, that Dr. Astaphan never, ever told you about the side effect of drugs?

10

A. No, sir.

Q. When I put the question to him, he was very concerned, so much so that he asked me to remind you what he said in evidence here and I'm going to remind you now.

15

THE COMMISSIONER: Dr. Astaphan has testified that he did tell Mr. Johnson side-effects.

MR. SOOKRAM: Yes, but not specifically, sir. If I may just open the door a little bit wider.

THE COMMISSIONER: Well, not very wide.

20

MR. SOOKRAM: Not very wide.

THE COMMISSIONER: Dr. Astaphan has already testified, Mr. Sookram, as to the side-effects that he discussed with Mr. Johnson and other athletes.

25

MR. SOOKRAM: But specifically, sir, I would like to sort of turn that screw a little bit more,

tighten it so that we leave no loophole.

THE COMMISSIONER: Well, it's pretty loose so far. He has testified to that effect. You can put to Mr. Johnson what Dr. Astaphan has already testified to.

5

MR. SOOKRAM:

Q. Mr. Johnson, Dr. Astaphan suggested that you were right. He didn't suggest, he admitted that you were right in saying that he never actually sat you down and told you, Mr. Johnson, don't take this or if you take this, this is what might result, but he did say to you, and this is what he asked me to put to you. Do tell me if it could be right. He said that from time to time travelling --

15

THE COMMISSIONER: He has got instructions now, Mr. Futerma, please. He's got instructions as to what his client --

MR. FUTERMAN: The witness has already testified.

20

THE COMMISSIONER: It's perfectly proper, Mr. Futerma. He has instructions now as to what his client has asked him to put to the witness.

MR. SOOKRAM:

25

Q. Thank you, sir. Dr. Astaphan said he

did tell you from time to time in travelling at home, at the track, if you feel anything that is strange, tell him?

A. No.

Q. He has never told you that?

5

A. No.

THE COMMISSIONER: He testified to that effect, Mr. Futerma, in his evidence as to where the conversation took place.

10 MR. FUTERMAN: Mr. Commissioner, I agree. I'm referring to the evidence he has already given. It's just when he is starting to suggest these new instructions--

THE COMMISSIONER: Well, you don't like Mr. Sookram's preambles, but they really are --

15

MR. FUTERMAN: Thank you, sir.

MR. SOOKRAM:

Q. That sometimes at his house, you did visit him at his house, did you not? You sat down, you 20 looked at television and from time to time you had chats?

A. In St. Kitts or in Toronto?

Q. In Toronto.

A. I never go to his house. Normally he would be at the track and he asked me Ben, can I have a 25 ride home. I say yes. I drop him home and I left. I

never been inside his house and sit down and talk.

Q. Never, ever?

A. Never.

Q. Has he been inside your house?

5

A. Yes, he did, yes.

Q. Has he never sat down there and chatted with you?

A. Mostly he was talking to my mom.

Q. He wouldn't talk to you?

10

A. Well, they would talk because, you know, we see each other at the track and we talked a lot about track and stuff like that, but we never talked about anything like that in my house.

15

Q. Is it possible, sir, that Dr. Astaphan may have told you about -- too look for certain side-effects without actually calling them side-effects?

A. No, I'm telling you he doesn't mention anything like that. I'm not trying to hurt nobody, but I'm telling you.

20

Q. No, I appreciate that. Now has he examined you carefully at any time?

A. No, sir.

Q. From 1983 to 1988, he has never examined you carefully?

25

A. No.

Q. He has come up from St. Kitts on 10 or 11 occasions after he left this country, and on each of those occasions, he met you somewhere, either at the track or in training, at a meet; is that correct?

5

A. At the training site, yes.

Q. He has looked you over?

A. Well, normally asked me how I feel and I say I feel good and if I'm getting a lot of rest he asked.

10

Q. Just how you feel? Did he not ask you any particular question or can't you remember?

A. He never ask me any particular question at all.

15

Q. Did he never ask you about your hamstring, how is the hamstring standing up?

A. Well I guess from running fast enough, then he wouldn't have come to me and asked me if my hamstring is fine or not.

20

Q. Is it not true, sir, that on one occasion he told you that he was checking on you on television to see your performance?

A. This was here.

25

Q. No, has Dr. Astaphan never told you that he had been looking at you at different meets on television?

A. No, sir.

Q. Never told you?

A. No.

Q. Sir, you told us today about a slight
5 swelling you had in your breast in 1987; is that right?

A. It could be '87 or '88.

Q. It could be?

A. Yes.

Q. You're not sure?

10 A. No.

Q. If it was '88, then it's Olympic year
and it would have caused you tremendous concern, would it
not?

15 THE COMMISSIONER: We have the date of Dr.
Sussman's report. What was the date?

MR. SOOKRAM: Dr. Sussman's report was
1987, sir, but we had another report which has been filed
and not used that suggested it was 1988.

20 THE COMMISSIONER: That was the first
report, I think, '87.

MR. SOOKRAM: That was the first report. I
was just trying to find out from this witness whether or
not either or both could be right.

25 Q. You thought it was 1987 or 1988?

A. 1987.

Q. Now, would you be more concerned, sir, if it was nearer to Olympics than a long distance away, a long time away?

5 A. It could be about the fall of '87 maybe.

Q. And you were very concerned about it?

A. I mean, yes, I wake up in the morning and my breast is swelling, yes.

10 Q. And you went to a doctor who told that this could be the side effect of steroid?

A. Yes.

Q. You told him you weren't taking any?

A. Yes.

15 Q. Is there any particular reason why you told him you weren't taking any?

A. Because I didn't know what the side-effects were.

20 Q. He told you one of them. Did you ask him for any others?

A. No.

Q. Did you go down to Mr. Francis and say hey, you put me on this thing and now look what's happening?

25 A. No, I didn't say such a thing, no.

Q. You never told Mr. Francis about it at all?

A. No, not with Jamie or Charlie, no.

5 Q. Did you not think it right that if Jamie and Charlie were the people who were looking after your steroid program, that they should know?

A. Well, I went to my doctor and he give me something to take and I -- that's what it's there for, you know.

10 Q. And it disappeared?

A. What's that?

Q. The swelling disappeared.

A. Yeah, because my mom put some stuff on it, healing oil and plus what my doctor give me, yes.

15 Q. So we don't know whether what the doctor gave you cured it or whether it's what your mom did?

A. Both.

Q. It could be both?

20 A. Yes.

Q. And it could have been, as far as you know, a swelling that could have arisen from any other reason other than steroids?

A. Yes.

25 Q. Did you at any time, sir, feel when you

started taking steroids, did you at any time feel any difference in your strength from before you took any?

5 A. Well, I mean, if you're lifting weights for the first time, like, you can't lift a lot of weights because you're not used to lifting the weights. It takes a lot of time to develop weights.

Q. Did it frighten you that you were able to push up so much weight?

A. Well, maybe later on, yes.

10 Q. But that's the end result. How did you feel inside?

A. I don't feel nothing inside. I don't feel hyper, I don't feel no different than anybody else who take it and say they felt different from it.

15 Q. One witness said she felt very aggressive. Did you feel aggressive?

A. No.

Q. You were a very private person, were you not, Mr. Johnson? You still are, aren't you?

20 A. I'm very -- I keep to myself. I'm very quiet.

Q. Yes, you prefer your own company and your family and perhaps a few very close friends?

25 A. If I lost friends now, they're friends that I don't need.

Q. Oh, yes, certainly. What we call dry weather friends, not umbrella-quality weather.

A. There's two types of persons, you know.

Q. Yes, as soon as a little trouble comes, 5 they disappear. We have all had those. All of us had friends like those. Would you say that your close friends were just a handful, a few people?

A. Well, there is two types of friends.

You have the guy who plants the trees and the guy who sit 10 on it.

Q. What about among the athletes? Who were your friends?

A. Desai, Mark, Tony but we never get along too good because he wasn't my type of friend.

15 Q. Which one of them?

A. Tony Sharpe.

Q. So Desai and Mark were your good friends?

A. Yes.

20 Q. And you met on the track or had you known them before that?

A. We met in track.

Q. On the track?

A. Yes.

25 Q. Did you visit Desai or Mark at any time

at their place?

A. My place?

Q. No, at their place.

A. Yes, we would go by the house, yes.

5

Q. And they would come to your house?

A. Yes.

Q. But being a private person, you
wouldn't visit the other athletes' places?

A. No.

10

Q. Have you ever been visited to their
house?

A. What's that?

15

Q. Have you ever been -- I'm sorry. I
used the word visited. Have you ever been invited by
other athletes to their homes, others in your team?

A. From time to time I go by Angie's house
to when they lived down by High Park to see what type of
house she bought and that's it.

20

Q. You didn't spend much time or
socialized too much with people?

A. No, that's not me.

25

Q. I thought not. It's not you. Now,
when you met with Desai and Mark at your place and at
their place and you were shooting the breeze, what sort of
things were you talking about? Cars?

THE COMMISSIONER: Is it irrelevant to this inquiry?

MR. SOOKRAM: I'm coming to it.

THE COMMISSIONER: Well, ask him did they 5 discuss this or that because what they're discussing amongst themselves may not be directly relevant to our inquiry.

MR. SOOKRAM: Yes. Sometimes -- probably my technique is bad, but sometimes I don't like to enter 10 by the front door for obvious reasons.

THE COMMISSIONER: That's often the most direct way.

MR. SOOKRAM: I agree with you, sir.

THE COMMISSIONER: Go ahead.

15 MR. SOOKRAM:

Q. Mr. Johnson, sir, -- all right. There's no trick to the question. You appreciate I'm just being straight with you.

20 MR. FUTERMAN: We haven't heard the question.

MR. SOOKRAM:

Q. When you talked to your friends, was it 25 always about cars?

A. Well, we talked about cars or track, trips, you know, yes.

Q. Travelling?

A. Yes.

5 Q. Hardships in travelling?

A. Yes.

Q. Tired, being sweaty over long distances?

A. No.

10 Q. No. Did you talk about girls?

A. Girls? Sure, yeah.

Q. And did you talk about what you were taking and what they were taking, drugs, steroids?

15 A. No, we would never discuss anything like that with each other.

Q. That was the one thing nobody talked about?

A. No.

Q. Talked about everything else except?

20 A. That's right.

Q. Nobody volunteered any information, Mark or Desai?

A. No.

Q. And you didn't discuss it at all?

25 A. No.

Q. Did they know that you were on
steroids?

A. Yes.

Q. Did you know they were on steroids?

5 A. In '88?

Q. Yes. Without them telling you? Just
suspected?

A. Yes.

Q. And they suspected you?

10 A. Yes.

Q. It wasn't something people talked
about?

A. No.

15 Q. How did you take it when Dr. Astaphan
told you, Mr. Johnson, not to use whatever name the drug
was, the steroid was, but to call it Estragol? How did
you, yourself, feel? Did a secret name mean anything to
you?

A. No.

20 Q. You didn't care what he called it, did
you?

A. Well, he told me so many different
names.

Q. So even if he said let's call this
25 "white water," you would call it white water?

A. He is the doctor, yes.

Q. Yes, and so did the others, didn't they? They all called it white stuff and they called it -- what else did they call it?

5

A. I don't know.

Q. Apart from Estragol?

A. I don't know. If you want to put words in my mouth, I don't know.

10 Q. No, I don't want to put words in your

mouth. You never heard him say any other name?

THE COMMISSIONER: I think you told us that some would call it anabolic, some would call it juice. You said that the other day?

THE WITNESS: Yes, sir.

15

MR. SOOKRAM:

Q. I have no intention of putting words in your mouth, sir, you doing as well as I possibly could. Now, in answer to Mr. Bourque, sir, that's the gentleman 20 who came before Mr. McMurtry, you told us about a number of occasions on which you were tested more so than any other Canadian athlete over the last few years.

A. Anybody in the world.

Q. In the world?

25

A. Yes.

Q. And at no time was your test positive?

A. No.

Q. Is it because you stopped long before a
meet? You stopped within the, what do they call it,
5 the --

THE COMMISSIONER: The clearance time.

MR. SOOKRAM:

Q. The clearance time.

10 A. If the doctor is giving me orders just
to take, yes, even though what time to stop from giving
those types of drugs, yes.

Q. And have you ever kept any check at all
as to what was your clearance time?

15 A. I got no diary, no.

Q. So you relied entirely on Dr. Astaphan
when he was there?

A. Yes, sir.

20 Q. And when Dr. Astaphan was not there, on
whom did you rely to check your clearance time?

A. Well, Charlie would normally know when
not to go to meets or when to go to meets.

Q. Yes. You didn't -- you left all that
sort of thing to them?

25 A. Yes.

Q. You did the running?

A. Yes.

Q. Now, could I please have sight of Exhibit 117A. Coming up now, sir, to the finale in Korea, 5 do you have any way of telling us when Dr. Astaphan actually stopped giving you the white stuff?

THE COMMISSIONER: Dr. Astaphan has testified that he last injected Mr. Johnson the 28th of August.

10

MR. SOOKRAM:

Q. Would you accept, sir, that that was the last day in which Dr. Astaphan injected you with the white stuff, the 20th of August?

15

A. That was about the last time, yes, that day.

THE COMMISSIONER: That was his evidence.

MR. SOOKRAM: Yes but we hadn't -- I didn't hear Mr. Johnson --

20

THE COMMISSIONER: Mr. Armstrong asked him the same thing. He covered it this morning or yesterday.

MR. SOOKRAM: I thank you.

THE COMMISSIONER: You're welcome.

25

MR. SOOKRAM:

Q. So Dr. Astaphan stopped your steroids on the 20th of August. Mr. Johnson, sir, you wouldn't have done anything to damage your chances of testing negative again after this Olympic meet, would you?

5

A. No, sir.

Q. You don't know of anybody who would have wanted to damage your chances, do you?

A. Yes.

10

Q. Among your teammates, look at the three people. I'm not concerned with the others. I'm just looking at Mr. Francis who had a tremendous interest in you. You accept that, do you?

A. Yes.

15

Q. Dr. Astaphan who had a tremendous interest in you? You accept that?

A. Yes.

Q. And you yourself, you had a personal interest in this thing.

A. Yes.

20

Q. You were going to be the fastest man in the world if you want or possibly could be?

A. Yes.

Q. You're not going to do anything silly?

A. No.

25

Q. And you took no drugs at all?

A. No, sir.

Q. Of your own?

A. No.

Q. Is there any way, sir, in which you
5 could possibly help us as to what might have happened to
make that result positive?

THE COMMISSIONER: Mr. Sookram, that's for
the Commission to decide unless he has direct knowledge.
We have the evidence.

10 MR. SOOKRAM: You have the evidence?

THE COMMISSIONER: We have evidence here,
yes, unless Mr. Johnson knows. I don't think he does.

MR. SOOKRAM:

15 Q. Can you answer that question, sir?

A. What's that?

THE COMMISSIONER: What was the question?
Does he know how he tested positive? Is that what you are
saying?

20 MR. SOOKRAM: Yes, sir.

THE COMMISSIONER: You asked him whether he
took drugs himself and he said no. Is that right, after
you left Toronto?

THE WITNESS: Yes, sir.

25 THE COMMISSIONER: What you did take was

what turned out to be diuretics?

THE WITNESS: Yes.

MR. SOOKRAM:

5 Q. Just before I go, Mr. Johnson, I want to show you this bottle called Exhibit 117A, which you had a look at because counsel for the Commission showed you this. Could you just shake it a bit and have a look at it. How would you describe it, sir?

10 A. Milky.

Q. Milky-white?

A. Yes.

Q. This bottle is a bit fuller.

THE COMMISSIONER: What is it, Mr. Sookram?

15 MR. SOOKRAM: I'll introduce it in the evidence, sir.

A. It looks the same to me.

Q. It looks the same to you?

20 A. Yes.

Q. The same sort of bottle?

A. The same bottle.

Q. The same sort of whitish stuff?

A. Yes.

25 Q. This bottle we were told, sir, contains

stanozolol and this bottle doesn't. Is there any way you can tell?

A. I don't know, sir. I'm not a doctor.

THE COMMISSIONER: What is that? What does 5 that prove?

MR. SOOKRAM: It just goes to show, sir, all this time we have been talking for 40 odd days about whitish stuff. Several bottles can look alike and have different stuff in it.

10 THE COMMISSIONER: Exactly, except this stuff has been tested.

MR. SOOKRAM: This one I can submit for testing. It contains no stanozolol.

15 THE COMMISSIONER: The important matter is what we have here. You followed the evidence.

MR. SOOKRAM: Yes, I follow the evidence.

THE COMMISSIONER: 117A has been tested along with the other bottles.

20 MR. SOOKRAM: It would be undignified of me to raise issues with you. I'll continue it here.

THE COMMISSIONER: We'll wait for the arguments. What you're handling, that could be milk in your hand. I don't know what it is.

25 MR. SOOKRAM: It might be milk, sir. I would like, if it doesn't trouble the Commission too much,

to test it. It looks exactly like this white stuff that we have been describing for 40 odd days.

THE COMMISSIONER: I don't think that's very relevant at the moment because we have in evidence these vials which have been tested.

5 MR. SOOKRAM: Yes, sir. What we don't have in evidence is --

THE COMMISSIONER: These vials have not been tested because they're not relevant.

10 MR. SOOKRAM: What we don't have in evidence, sir, is where those -- the exact commencement of those -- of the history of those bottles.

THE COMMISSIONER: You have explored that with our witnesses, the witnesses of the Commission.

15

MR. SOOKRAM:

Q. Mr. Johnson, sir, during the time that Dr. Astaphan was your doctor, did he take good care of you, physically?

20

A. Yes.

Q. Did he talk to you in any encouraging manner?

A. Like?

Q. About your prospects, your training, 25 your dedication to your work?

5

A. Well, from time to time he doesn't really ask me my type of training because Charlie is the one who is the coach and he knows what's best for me, so Jamie would never confront and ask me about my training. He did ask me a few times, but not as much, no.

10

Q. Did he seem interested in you as a person?

A. I think so.

Q. Or did he treat you just like any other patient?

15

A. Well, when I was going to St. Kitts, I come back to your question. When I was in St. Kitts, my mom told him that if he would take care of me while in St. Kitts and Jamie say yes, Ben is like one of his own son. At the time, I really put my trust in Jamie at the time. I went down to St. Kitts and he treat me very good and from there on I just was open to him.

20

Q. He introduced you to a lot of people that he thought you might like to know?

A. Yes.

Q. And he went around with you whenever his practice allowed him to do so?

A. Like?

25

Q. Whenever he wasn't in his clinic treating his patients, he went around the island with you

a bit?

A. Normally I would be by myself or I would be with some of his brother or maybe mostly out by the beach.

5 Q. Does it surprise you, sir, that even now he is still concerned about you?

A. I'm still concerned about him too, yes.

Q. Yes, you're still concerned about him?

10 A. I don't have any bad feelings about noone.

Q. Thank you so much, sir.

THE COMMISSIONER: Any re-examination?

15 MR. ARMSTRONG: Could I just have your indulgence. There was one -- I apologize for taking a moment to speak with Mr. Sookram. There was one question that I had intended during the course of my examination to ask Mr. Johnson that relates directly to Dr. Astaphan.

THE COMMISSIONER: All right. Do you mind, Mr. Sookram, re-crossing.

20

MR. SOOKRAM: It could come from either of us, sir.

25

Q. Mr. Johnson, when you came back from Korea, is it right that Dr. Astaphan suggested that you go and have your liver checked?

A. I don't remember.

Q. You don't remember. But he might have done so?

A. I don't know.

5 Q. Did you go to a doctor to have your liver checked?

A. No.

Q. Did the doctor not tell you -- did he not advise you to do so?

10 A. I don't remember, sir.

Q. You don't remember, but he might have told you?

A. Maybe.

Q. Okay, thank you.

15 THE COMMISSIONER: Thank you. Mr. Armstrong?

---- RE-EXAMINATION BY MR. ARMSTRONG:

20 Q. Just to follow that up, he might have simply told you, did he, to go and see a doctor? When you got back from Seoul, of course people had lawyers and so on and there wasn't direct communication --

A. I couldn't get back to my doctor after Seoul because the media was all over me. I couldn't get 25 in my house for three days.

Q. I understand, but is it possible that Dr. Astaphan may have said you should go and see your own doctor?

5 A. If I tell you he did, I would tell you he did, sir. I don't remember.

Q. All right. Sorry, Mr. Commissioner.

THE COMMISSIONER: It has been a very trying experience for you, Mr. Johnson. I just want to ask you just a few questions, if you don't mind.

10 When you came back from Korea, you came back with Dr. Astaphan?

THE WITNESS: I came with Dr. Astaphan and my mom, my sister, yes, and his wife.

15 THE COMMISSIONER: And shortly after you returned, did you know that Dr. Astaphan went on national television and denied he ever gave you any steroids? Did you see him on television?

THE WITNESS: No, sir.

THE COMMISSIONER: You didn't see him?

20 THE WITNESS: But I heard about it.

THE COMMISSIONER: And you knew that wasn't true?

THE WITNESS: Yes.

25 THE COMMISSIONER: And although you didn't know, you say, about the side-effects, you know that

steroids are banned because it's cheating in sports?

THE WITNESS: Yes, sir.

THE COMMISSIONER: And apart from the side-effects which is also important, they were banned?

5

THE WITNESS: Yes.

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THE COMMISSIONER: And on September 30th, there seems to be, with respect, a rather carefully orchestrated interview was arranged with Mr. Gross of the Toronto Sun?

5

THE WITNESS: Yes, sir.

THE COMMISSIONER: At a farm, a friend -- your friend's farm, I guess it was, was it?

THE WITNESS: Yes, sir.

10

THE COMMISSIONER: May I have the article, please.

MR. ARMSTRONG: I have my briefcase back here.

15

THE COMMISSIONER: And you knew by this time that stories had been spread about sabotage; you knew that had been going on?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Even somebody rubbing Stanozolol into your leg or something, you read about that?

20

THE WITNESS: Yes, sir.

25

THE COMMISSIONER: And how did this press conference come about or the interview, because you had a conference later I think at Sutton Place, the press conference, and one in your friend's farm was this with Mr. Gross from the Toronto Sun?

THE WITNESS: Yes, sir.

THE COMMISSIONER: How did that come about?

5 THE WITNESS: Well, I just wanted the people like to know that -- when I come from Seoul, I was confused. And Charlie said I shouldn't talk to nobody until I have a lawyer. My whole family was --

THE COMMISSIONER: I understand that, but you knew that what was being published in the paper would be published to all of Canada?

10 THE WITNESS: Yes, but --

THE COMMISSIONER: You know how important --

THE WITNESS: -- I was wrong to say that.

THE COMMISSIONER: Pardon? You know how important that was?

15 THE WITNESS: Yes.

THE COMMISSIONER: And in that statement you denied ever taking any banned substances. And you said you didn't knowingly take any illegal substances, and wanted a full independent inquiry as to how all this happened?

THE WITNESS: Yes.

20 THE COMMISSIONER: And I think it's fair to say most Canadians wanted to believe that. You understand that, everybody --

25 THE WITNESS: Yes.

THE COMMISSIONER: -- felt kindly towards you, but didn't you realize that you were just by that public statement really pursuing what had transpired in the past, that is sort of concealing the fact that there had been steroid use.

Did you not realize how important it was, what a, if I may say, what a disservice it was to sign a statement like that and make the interview with Mr. Gross.

THE WITNESS: I know I did wrong, but like I said I was confused at the time, and, you know.

THE COMMISSIONER: But you didn't consider what an impact that would have. And you asked for a full investigation of what transpired and knowing that all along you had been on the steroid program for some years.

THE WITNESS: Yes.

THE COMMISSIONER: And you were present with many of your advisors, your friends, your family, and others.

THE WITNESS: Yes, sir.

THE COMMISSIONER: And Mr. Futterman has said you got a lot of letters of support from young people.

THE WITNESS: Thousands of letters, yes.

THE COMMISSIONER: Yes. Who all believed, I think that, you were innocent?

THE WITNESS: Yes, sir.

THE COMMISSIONER: Isn't that right? In
any event, I take it from what you said, you told Mr.
Armstrong why you didn't tell the truth on that occasion,
but you are now, as I understand, trying to give the
message in future as to how to be an example for young
people?

5 THE WITNESS: Yes, sir.

THE COMMISSIONER: And by trying to do it
10 it on your own --

THE WITNESS: Yes, sir.

THE COMMISSIONER: -- without cheating.

THE WITNESS: Yes, sir.

THE COMMISSIONER: All right.

15 Well, thank you very much for your evidence,
Mr. Johnson.

THE WITNESS: Okay.

THE COMMISSIONER: Is that all we have for
today?

20 MR. ARMSTRONG: Yes. I am sorry, Mr.
Commissioner, we find ourselves in that situation that
from time to time we have before that with scheduling
witnesses --

THE COMMISSIONER: It's hard to know exactly
25 how long it's going to take. I have got lots of work to

do and lots of things to think about. So, I can use the time.

5 MR. ARMSTRONG: In fact, I must tell you that we probably will only have one witness tomorrow morning and one witness Thursday morning. Things may change, but we will do our best.

THE COMMISSIONER: All right. Thank you Mr. Johnson.

We stand adjourned until 10:00 a.m.

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15 ---- Whereupon the proceedings adjourned until Wednesday, June 14, 1989 at 10:00 a.m.

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